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THE HISTORY

OF THE

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REPUBLIC

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A
COLLECTION
OF THE
PARLIAMENTARY
DEBATES
IN
ENGLAND,

FROM
The YEAR M, DC, LXVIII.

To the present TIME.

VOL. VIII.

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PAR-

ЭТИТОЗ

Parliamentary Debates.

The House of Lords take the *South-Sea* Affair under their Consideration.

IN the former Volume we gave some account of the proceedings of the House of Commons about the *South-sea* affair ; but not having room to finish that matter, we shall now resume the Parliamentary proceedings about it.

The House of Lords had now entered upon the *South-sea* affair, and had made a considerable progress in that inquiry. Their Lordships being met again on the 9th of *January*, the sub-governor and deputy-governor of the *South-sea* company laid before them several of the Papers they had called for, and the next Day their Lordships went into a grand committee, of which the Earl *Clarendon* was chosen chairman, to consider of the state of the nation, with relation to publick credit. Some of the court Lords were the first that complained of the mismanagement of the *South-sea* directors, which had occasioned the present distress and calamity, and among the rest, Earl *Stanhope* said, ‘ That the estates of the criminals, whether directors or not directors, ought to be ‘ confiscated, to make good the public losses.’ The Lord *Carteret* spoke to the same effect, as did likewise the Earl of *Sunderland*, who owned indeed, ‘ That he had been for the *South-sea* scheme, ‘ because he thought it calculated for the advantage

‘ of the nation, in order to lessen the public debt,
‘ and in particular, to take off the heavy incum-
‘ brance of long annuities ; and no man could ima-
‘ gine, that so good a design could have been so per-
‘ verted in the execution, as to produce quite con-
‘ trary effects: But that, in his opinion, no act of
‘ Parliament had ever been so much abused as the
‘ *South-sea* Act, and therefore he would go as far as
‘ any body to punish the offenders.’ Several Lords
were somewhat surprized to find themselves forestal-
led by those whom they were ready to oppose, upon
a supposition, that they entertained more favourable
thoughts towards the directors, against whom the
others left them little to say: Nevertheless, several
Lords spoke both against the *South-sea* scheme, and
the execution of it, and among the rest, the Duke
of *Wharton* said, ‘ That they ought to have no re-
‘ spect of persons: That, for his part, he would give
‘ up the best friend he had: That the nation had
‘ been plundered in a most flagrant and notorious
‘ manner, and therefore they ought to find out the
‘ offenders, and then punish them with the utmost
‘ severity.’ The Lord *North and Grey*, the Earl of
Abingdon, and some others, urged also the ill effects
of the *South-sea* project, which the Lord Bishop of
Rocheſter justly compared to a pestilence. Earl *Cow-*
per spoke likewise on the same side: And in particu-
lar, ‘ Blamed those, who, by the Act of Parliament,
‘ were appointed to overlook and check the *South-sea*
‘ directors ; and who, in discharge of that trust,
‘ ought to have prevented their jumping from a sub-
‘ scription at 400 to 1000, which was the main
‘ cause of the misfortunes that ensued.’ The Earl of
Sunderland finding himself and the other Lords of
the treasury thus attacked, spoke in his own and their
vindication, and said, ‘ That by the *South-sea* Act
‘ they were directed to appoint such persons as they
‘ should think fit, to be managers and directors on
‘ the part of the treasury, for the due execution of
‘ the

‘ the said Act : That as they had reason to look up-
‘ on those persons who had the principal share in
‘ framing this scheme, as the most able and proper
‘ to execute it, they had accordingly appointed some
‘ of the *South-sea* directors, to be managers and di-
‘ rectors for the treasury : Concluding, that in this
‘ they had followed former precedents.’ Hereupon
a question was proposed and started, that the com-
mission issued out by the Lords Commissioners of his
Majesty’s *Treasury*, to three of the directors of the
South-sea company, &c. was according to former pre-
cedents, and legal. This occasioned a great debate,
which lasted till eight in the evening : But after the
reading of some papers, the Lord *Harcourt*’s opi-
nion for the affirmative prevailed, by a majority of 63
voices against 28, who were for the negative ; and
most of whom entered their protest against that reso-
lution. This done, some Lords moved for appointing
a secret committee, to inquire into all the proceedings
relating to the execution of the *South-sea* Act ; but
this was oppos’d by others, who said that they
ought, in the most solemn manner, to examine
the persons concerned ; whereupon it was resolv-
ed to resume the Affair the Thursday following,
when the sub-governor, deputy-governor, directors,
and officers of the *South-sea* company, were ordered to
attend.

Accordingly, on the 12th of *January*, the sub-
governor, deputy-governor, about 24 of the direc-
tors, Mr. *Robert Knight*, treasurer, Mr. *Surman* his
deputy, and some other inferior officers, attended the
House of Lords, and at the bar were sworn to make
true answers to such questions as should be put to
them. After this the Lords went into a grand com-
mittee ; and in the first place, examined the sub-
governor, deputy-governor, and treasurer, sepa-
rately, and then the directors ; and in the intervals,
read several papers that had been laid before the
House. These examinations lasted ’till nine at night,

when after a small debate, their Lordships resolved, that the sub-governor and directors of the *South-sea* company had prevaricated with them, in giving false representations of several matters of fact : That by lending money on stock and subscriptions, they were guilty of a notorious breach of trust ; and that they ought to make good the losses which the company had sustained by their fraudulent management. Some Lords were willing not to involve all the directors in this censure, and to distinguish the innocent from the guilty ; but they were told, that the whole court of directors were guilty, either in acting or assenting, upon which those Lords acquiesced in declaring them all criminal. After this, the directors being called in again, the Lord Chancellor gave them a severe reprimand for giving the house such lame accounts, and for having ordered their clerks to omit several material Things in the copies that had been laid before the House ; commanding them, at the same time, to lay before the Lords Committees, either the originals themselves of several accounts of their treasury, or authentic copies of them. Then their Lordships adjourned the farther consideration of that affair 'till the 16th of *January*.

Jan. 14. The Committee of Secrecy appointed by the House of Commons, repaired in the morning to the *South-sea* House, took possession of it, and of all the books belonging to the several Offices, and afterwards examined severally, the sub-governor, the deputy-governor, Sir *John Blunt*, and Mr. *Grigsby*, Accountant-general, who, by reason of his being much indisposed with the gout, could not attend the House of Lords. These Examinations lasted 'till near ten at night ; and the secret Committee continued the next Monday, and the following days, their inquiries with the utmost strictness and unwearied application.

Jan. 16. Sir *John Blunt* attended with his brethren at the House of Lords, who, after they had examined

ed Sir *John Fellows*, Mr. *Joye*, and Mr. *Knight*, put off the farther examination of that affair to the Thursday following, when Mr. *Stroude*, Mr. *Wymanfel*, Mr. *Testard*, Mr. *Lacour*, Mr. *Lockier*, and some other brokers, who negotiated for the *South-sea* directors, were ordered to attend. In the mean time their Lordships ordered a bill to be brought in *To disable the present sub-governor, deputy-governor, and directors of the South-sea company, at and from and after the respective times for electing a sub-governor, and deputy-governor, and new directors of the said company, to take, hold, or enjoy any office, place, or employment in the said company, or in the East-India company, or Bank of England, and from voting upon elections in the said company:* Which bill was accordingly brought in and read twice on the 19th.

The same Day the Lords, in a grand committee, examined severally, the sub-governor, deputy-governor, and treasurer of the *South-sea* company, as also four of the brokers, viz. Mr. *Stroud*, Mr. *Testard*, Mr. *Lacour*, a *Jew*, and his son: By which three last their Lordships made large discoveries, and having sat 'till seven in the evening, adjourned to Saturday the 21st.

Jan. 21. The sub-governor, deputy-governor, and directors, petitioned their Lordships to be heard by their counsel against the bill for disabling them; but that petition was rejected, and the bill read the third time, passed, and sent down to the Commons for their concurrence. Then the Lords, in a grand committee, received and examined some of the extracts of the brokers books that had been called for; by which it appearing, that large quantities of *South-sea* stock had been transferred to the use of Mr. *Aislaby*, one of the Lords of the *Treasury*, several Lords took notice of it, and, among the rest, the Duke of *Wharton* said, 'He hoped some great men would produce some good fruit, else they would break out into blotches, that would stick upon them like

‘ the leprosy of *Naaman* the Syrian in *Gebazi*.’ The Earl of *Peterborough* made also a notable speech on that occasion; and then their Lordships adjourned to the 24th, when some other brokers were ordered to attend.

In the mean Time, Mr. *Knight*, treasurer of the *South-sea* company, who was intrusted with the principal secret of this dark Intrigue, either of his own accord, or, as ’twas shrewdly suspected, at the suggestion of others, thought fit to retire out of the kingdom; and having, on Sunday the 22d, absented himself from his house, embarked on Monday morning in the river, on board a vessel that carried him the same evening to *Calais*. The same morning, a porter delivered to Mr. *Surman* the following letter, directed to the *South-sea* directors.

Gentlemen,

I Write this from a true sense of the obligation I am under to make up my accounts with the company, and to pay them their full demand: And tho’ self-preservation has obliged me to withdraw my self from the resentment against the directors and my self, yet I am not conscious to my self of having done any one thing that I can reproach my self for, so far as relates to an honest sincere intention and zeal for the company; but I can and do charge my self with a great many indiscretions, and am (besides the concern I must be under for leaving my own family, friends, &c.) very sensibly touch’d with what you are like to suffer on this account; and it will be the more, I am afraid, from your want of unanimity, which I heartily recommend to you for the future, and, I am sure, wish you as well as you wish yourselves.

I write this at a distance from home, and under a great deal of concern, so cannot be so particular, as otherwise I would have been. I have herewith sent Mr. *Surman* the key of my desks, who knows so much of the State of the cash, as to be able to make it up. There
are

are a good many bills of exchange, and other payments, to write off, and the weekly receipts to write on. There is cash in the Bank, in the company's book, which, together with the Notes taken on the third and fourth subscriptions, and the company's bonds, will make up the balance, as I do believe: But if it fall short, I have 3000 equivalent stock, 1600 Bank stock, 2000 India and South-sea stock, over and above what I owe the company on the loan, as will be sufficient to make it up with money owing on securities on my particular account. The company need not deliver or be answerable for the subscription receipts or stock on the third and fourth subscriptions, unless these notes are paid; so the Loss can only be the difference between the subscriptions and money in value; and I think, it would be hard for me to bear the loss, because the clerks took by far the greatest part of them, as thinking them better than none; and most of them would have been non-payments, if they had been refused: However, I submit this to the company. I have taken with me but little more than a sufficiency to maintain my self, and the effects left will more than answer for all deficiencies. I have bought no land in trust for me, nor have I ever conveyed or settled any part of that I had formerly, or have bought lately; it remains to answer any demands on me from the company or the legislature. I have withdrawn my self only to avoid the weight of the inquiry, which I found too heavy for me; and I am sensible that it would have been impossible for me to have avoided the appearance and charge of prevarication and perjury, not from my own intention to do so, but from the largeness and extent of the inquiry, and the nature and largeness of the transactions. I am sure I am a great deal concerned to add to your present difficulties; though I must say, that I have deserved better Usage than I have had from the court the last week: But this I say without any resentment, otherwise than that it has been an addition to the weight I had before upon me.

I am press'd for time, so can only assure you that I am, with all respect, in inclination though not in power,

Gentlemen,

Your most obedient

Sunday Evening,

Jan. 22, 1720.

humble Servant,

Robert Knight.

Mr. *Surman* delivered this letter to the committee of secrecy, then sitting at the *South-sea* House, from whence they immediately repaired to the House of Commons, and in their name Sir *Thomas Pengelly* acquainted the House, that they had that morning received information, that Mr. *Robert Knight*, cashier of the *South-sea* company, had, on Saturday night last, (after he had been in part examined by the said committee) withdrawn himself from his habitation, and had not been heard of since by his family. Hereupon it was resolved, *Nemine contradicente*, to present two addresses to his Majesty, that he would be graciously pleased, first, immediately to issue his royal proclamation, (with such reward as his Majesty should think proper) for discovering, apprehending, and detaining Mr. *Robert Knight*, in order that he might be brought to Justice. 2^{dly}, To give orders, that the ports might be forthwith stopt; and that such effectual care might be taken of the coasts, as might prevent the said Mr. *Knight*, or any of the directors, or other officers of the *South-sea* company, from escaping out of this kingdom. These two addresses were immediately carried to the King at St. *James's* by Mr. *Metbuen*, comptroller of the household, who being returned, acquainted the house, by his Majesty's command, that his Majesty would immediately give the necessary orders and directions according to the desires of this House.

In

In the mean time, the Commons having ordered the doors of their House to be locked up, and the keys to be brought upon the table, and summoned Sir *Robert Chaplin*, Sir *Theodore Janssen*, and *Jacob Sawbridge*, Esq; to attend in their places immediately, General *Rosse*, and some other members of the secret committee, acquainted the House, 'That they
' had already discovered a train of the deepest villany and fraud that hell ever contrived to ruin a nation, which, in due time, they would lay before the House; and that in the mean while, in order to a farther discovery, they thought it highly necessary to secure the persons of some of the directors and principal *South-Sea* officers, and to seize their papers.' Hereupon, it was ordered, 1st, That Mr. *Edward Wortley*, Mr. *Hutcheson*, and Mr. *Clayton*, go immediately and secure all books and papers belonging to or in the custody of Mr. *Robert Knight*, Mr. *Robert Surman*, and Mr. *John Grigsby*. 2^{dly}, That Mr. *Robert Surman*, deputy-cashier, and Mr. *John Grigsby*, Accomptant of the *South-sea* Company, be taken into the custody of the Serjeant at Arms attending the House. 3^{dly}, That Mr. *Rosse*, and Mr. *Sloper*, go immediately and secure all such books and papers belonging to, or in the custody of *Elias Turner*, Sir *George Caswal* and Company, as they should think necessary to be secured for the public service. 4^{thly}, That Sir *John Blunt*, Bart. Sir *John Lambert*, Bart. two of the directors, and Sir *John Fellows*, Bart. sub-governor of the *South-Sea* Company, be taken into the custody of the Serjeant at Arms attending this House. Then Mr. *Sawbridge*, and Sir *Theodore Janssen* being come into the House, a motion was severally made, that they were guilty of a notorious breach of trust, as directors of the *South-Sea* Company, and thereby occasioned very great loss to great numbers of his Majesty's subjects, and had highly prejudiced the public credit: And Mr. *Sawbridge* and Sir *Theodore Janssen* having severally

rally been heard in their places, and being withdrawn, the question was severally put upon the said motion, and carried in the affirmative, *nemine contradicente*; after which, it was ordered, that the said *Jacob Sawbridge*, and Sir *Theodore Janssen* be, for their said offence, expelled this house, and taken into the custody of the Serjeant at arms: It was also ordered, that the Committee of secrecy should secure all papers belonging to, or in the custody of, the sub-governor, directors, or other officers of the *South-Sea* company, directed to be taken into custody; that Sir *Robert Chaplin*, and *Francis Eyles* Esq; should attend in their places on *Saturday* morning next, and that the call of the house be farther adjourned 'till the next day seven-night.

January 24. The Lords in a grand Committee, examined Mr. *Joye*, deputy-governor of the *South-Sea* company, who made a very ingenuous confession of several important matters, and communicated to their Lordships the letter before-mentioned from Mr. *Knight* to the directors, which their Lordships caused to be read. After this, the Lords Committees examined severally Mr. *Joye*, and the brokers, and upon a motion made by Earl *Stanhope*, Sir *William Chapman*, Mr. *Holditch*, Mr. *Hawes*, Mr. *Gibbon*, and Mr. *Chester*, five of the *South-Sea* directors, were ordered to be taken into the custody of the Gentleman-usher of the *Black-rod*.

The same day, the Commons resolved, *nemine contradicente*, to address his Majesty that he would be graciously pleased to give directions to his Ministers residing in the courts of foreign Princes and States, in alliance with his Majesty, that they should make their application, that Mr. *Robert Knight*, cashier of the *South-Sea* company, if he should shelter himself in any of their dominions, might be surrendered, in order to his being brought to justice; which directions his Majesty gave accordingly.

Jan.

Jan. 25. The members of the Committee of secrecy, who had been ordered to secure the papers of several persons, acquainted the Commons, that they had obeyed the said orders. Then the Commons received a message from the Lords, acquainting them, that their Lordships had, for divers weighty reasons, ordered Sir *William Chapman*, Bart. *Robert Chester*, *Edward Gibbon*, *Francis Hawes*, and *Richard Holditch*, Esqrs, directors of the *South-sea* company, to be taken into custody of the Gentleman-usher of the *Black-rod* attending their house, and their papers, and the papers of Mr. *Clark*, the company's Solicitor, to be seized by the said Gentleman-usher; and had likewise given order to the said Gentleman-usher, that the said persons and their papers, should be, from time to time, produced, in such manner as should be desired by the House of Commons, or by any Committee of that house. Which message contributed very much to keep up a good correspondence between both houses. The same afternoon the King went to the House of Peers, with the usual state and solemnity, and the Commons being sent for up, and attending, his Majesty gave the royal assent to the following public bills, viz.

An act for restraining the sub-governor, deputy-governor, directors, treasurer, or cashier, deputy-cashier, and accomptant of the South-sea Company, from going out of this kingdom for the space of one year, and until the end of the then next session of Parliament, and for discovering their estates and effects, and for preventing the transporting or alienating the same.

An act to disable the present sub-governor, deputy-governor, and directors of the South-sea company, at, from, and after the respective times for electing a sub-governor, deputy-governor, and new directors of the said company, to take, hold, or enjoy any office, place, or employment in the said company, or in the East-India company,

pany, or Bank of England, and from voting upon elections in the said companies.

The same day, the Lords in a grand Committee, examined several of the *South-Sea* directors, particularly Mr. *Astell*, and Sir *Harcourt Masters*, who made very ingenuous and large discoveries, and named several persons, both in the administration, and in the House of Commons, to whom large sums in *South-Sea* stock, had been given for procuring the passing of the *South-Sea* act. This examination lasted about four hours; after which, upon a motion made by the Earl *Stanhope*, and seconded by the Lord Viscount *Townshend* and Earl *Cowper*, their Lordships came to the following unanimous resolution, viz.

Resolution
of the Lords.

Resolved, By the Lords spiritual and temporal in Parliament assembled, 'That the taking in of stock, ' the transferring of stock belonging to the *South-Sea* ' company, or giving credit for the same, without a ' valuable consideration actually paid, or sufficiently ' secured; or the purchasing stock by any director ' or agent of the *South-Sea* company, for the use or ' benefit of any person in the administration, or any ' member of either House of Parliament, during such ' time as the late bill relating to the *South-Sea* com- ' pany was depending last year in Parliament, was ' a notorious and most dangerous corruption.'

After which, their Lordships ordered the said resolution to be forthwith printed and published.

Jan. 28. Sir *Robert Chaplin*, and *Francis Eyles*, Esq; two members of the house, and directors of the *South-Sea* company, attending in their places, the same censure was severally passed upon them, as four days before on Mr. *Sawbridge* and Sir *Theodore Janssen*, and they were both, for their offence, expelled the house. After this, the Commons, in a grand Committee,

Committee, went through the *bill for punishing mutiny and desertion, &c.*

On the 28th, a select Committee of the Lords, of whom the Earl of *Westmoreland* was chosen Chairman, examined the several papers that had been laid before them, relating to the *South-sea* affair, and segregated and culled out such as their Lordships thought necessary. On the 31st of *January*, their Lordships in a grand Committee, examined some brokers, as also Mr. *Waller*, son-in-law to Mr. *Aislaby*, and Mr. *Astell*, severally, in relation to a great quantity of *South-sea* stock which appeared to have been transferred to, and negotiated by the said Mr. *Waller*, who pretended not to have kept minutes of what he had done in *Exchange-alley*. This some of the Lords looked upon as prevarication, and after the said Examination had lasted till near seven in the evening, their Lordships came to the following resolution, *viz.*

‘ That the directors of the *South-Sea* company, Resolution
of the Lords.
‘ having ordered great quantities of their stock to
‘ be bought for the service of the said company,
‘ when stock was at a very high price, and on pre-
‘ tence of keeping up the price of the stock ; and,
‘ at the same time, several of the directors, and
‘ other officers belonging to the said company, ha-
‘ ving in a clandestine Manner, sold their own
‘ stocks to the company, such directors and officers
‘ are thereby guilty of a notorious fraud and breach
‘ of trust, and their so doing was one great cause of
‘ the unhappy turn of affairs, that has so much af-
‘ fected public credit.

Feb. 2. The Lords sent a message to the Commons, acquainting them, that their Lordships having under their examination several matters of importance relating to the *South-sea* company, desired, that such of the directors of the said Company, and other

other Persons, as were in the custody of the Serjeant at arms, might be from time to time produced before their Lordships, or any Committee of their house, when desired; which was readily complied with, and an order was thereupon made for the Serjeant at arms, or his deputy, to attend the Lords with such of the directors, or other officers of the *South-Sea* company as were in his custody, in such manner, as was desired by their Lordships.

The next day, Mr. *Robert Walpole* presented to the house, a bill of powers for ingrafting part of the capital stock and fund of the *South-Sea* company into the stock and fund of the bank of England, and another part thereof into the stock and fund of the *East-India* company; which was read the first time, and ordered to be read a second on the 7th of *February*, to which day the Commons adjourned.

On the 2d of *February*, the Lords, in a grand Committee, examined Mr. *Hawes*, one of the late directors of the *South-Sea* company, and some of the brokers; after which, their Lordships came to the following resolutions, viz.

Resolutions
of the Lords
against the
South-Sea
directors.

1. ' That the directors, &c. buying the *Midsummer* dividend about the 4th of *January*, 1719-20, and paying 5 s. down, and 3 l. after the receipt of the said dividend, was a fraud to the persons with whom they contracted.

2. ' That the giving a premium for the refusal of stock at higher prices than they knew the value was, was a fraudulent artifice to raise the price of stock.

3. ' That promoting the third subscription at 1000 per cent. was to answer a particular end, and to cheat the public.

4. ' That

4. ' That the declaring 30 *per cent.* dividend for
' the half year, ending at *Christmas*, and 50 *per cent.*
' *per ann.* for no less than 12 years after, was a vil-
' laneous artifice to delude and defraud his Majesty's
' good subjects.

5. ' That the declaring the *Midsummer* dividend
' to be paid in stock, when they had money by
' them to answer the same, was a notorious fraud, and
' was one occasion of the misfortunes that ensued.'

Feb. 9. The Lord *Molesworth*, from the Com-
mittee of secrecy, acquainted the Commons that they
had received information, that Mr. *Robert Knight*,
late cashier of the *South-Sea* company, was taken,
and was in custody in the castle of *Antwerp*: Here-
upon his Lordship moved, and it was resolved, *ne-*
mine contradicente, that an humble address be pre-
sented to his Majesty, to return his Majesty the
thanks of this house, for his great goodness in giving
such effectual directions to his Ministers abroad for
securing Mr. *Robert Knight*, pursuant to the address
of this house; and humbly to desire, that his Ma-
jesty would be graciously pleased to give orders to
his Ministers, residing in the courts of *Vienna* and
Brussels, to make the proper applications, and use
the most effectual instances, that the person of the
said Mr. *Robert Knight*, together with his papers and
effects, might be secured, and delivered up to such
persons as his Majesty should appoint to receive the
same; and that his Majesty would be graciously
pleased to give orders, upon the said Mr. *Robert*
Knight's being brought into *Great Britain*, that he
be forthwith delivered and put into the custody of
the Serjeant at arms attending this house. This ad-
dress was immediately sent to the King by Mr. *Me-*
tbuen, Comptroller of the household, who being soon
after returned, acquainted the house that his Majesty had
commanded him to acquaint the house, that he would
give

give the necessary orders and directions according to the desires of this house ; and that in case his Majesty's Endeavours to have him secured and brought over into *Great Britain* should succeed, his Majesty would forthwith cause him to be delivered into the custody of the Serjeant at arms attending this house. The Commons were extremely well pleased with this answer, and adjourned the call of their house to that day seven-night. We must take notice, that while Mr. *Comptroller* was upon presenting the address before-mentioned, a question was proposed, that the directors of the *South-sea* company do forthwith lay before this house, an account of what stock the said company will give to the proprietors of the four money-subscriptions, for the money actually paid in upon the said subscriptions respectively : But the previous question, being put, that that question be now put, it passed in the negative.

The same day, (*Feb. 9.*) a noble Earl took notice in the house of Peers of the report of Mr. *Knight's* being taken and in Custody, which being a matter in which the public was highly concerned, he desired those in the administration to acquaint the house whether there was any ground for that report. The Earl of *S—d* having, upon this, informed the house in what manner Mr. *Knight* had been apprehended and secured, a motion was made to address his Majesty, to order his Ministers abroad to use the most effectual instances to have him delivered up and sent over. Hereupon the Lord who spoke first, represented, ‘ That the person who at present took
‘ care of his Majesty's affairs at *Brussels*, being a
‘ foreigner, it were therefore proper for the house
‘ either to send a messenger of their own, or to de-
‘ sire his Majesty to send a special Messenger to
‘ bring over Mr. *Knight*, who was so material an
‘ evidence in the present inquiry into the villainous
‘ frauds committed by the late *South-sea* directors
‘ and

‘ and their abettors.’ The Lord Viscount *Townshend*, who, the day before, was declared Principal Secretary of State (in the room of the Earl *Stanhope*, who had died suddenly four days before) said thereupon, ‘ That either of these would be so far disrespectful, ‘ as it would imply a distrust of his Majesty’s care ‘ in this affair, which they had all the reason in the ‘ world to be satisfied in : That upon the applica- ‘ tion made to his Majesty for using his endeavours ‘ to get Mr. *Knight* secured, twelve expresses were ‘ immediately dispatched, for that purpose to his ‘ Majesty’s Ministers abroad ; and that these orders ‘ had been executed with such punctuality and di- ‘ ligence by the Secretary of his Majesty’s resident ‘ at *Brussels*, That Mr. *Knight* was actually appre- ‘ hended and in safe custody : Concluding, that it ‘ became the wisdom of that august assembly, to ‘ express their grateful acknowledgments to his Ma- ‘ jesty for his past care, and to rely on his future en- ‘ deavours for getting Mr. *Knight* delivered up, and ‘ sent over.’ This being agreed to, an address, much to the same effect with that of the Commons, was presented to his Majesty ; who appointed Colonel *Churchill* to go to the court of *Vienna*, to make instances for the delivering up of Mr. *Knight*.

Feb. 15. Mr. Comptroller delivered to the Commons the following message from his Majesty.

GEORGE R.

HIS Majesty having received a petition from the court of directors of the South-sea company, relating to the payment of the money due to the public from the said company, has thought fit to transmit the said petition to the House of Commons ; and at the same time, to acquaint them, that his Majesty has no objection to the Parliament’s giving to the South-sea company such ease and relief, in the times of making the payments

The King’s
Message to
the Com-
mons.

due to the public, as the house shall think fit and reasonable.

This message was referred to the consideration of a committee of the whole house the Friday following; and then a clause was ordered to be inserted in the bill for ingrafting part of the stock and fund of the South-sea company, to restrain the corporations of the bank of England, of the South-sea company, and of the East-India company, from lending any sum of money to their proprietors upon their stock, exceeding 100 l. for 100 l. capital stock. Then the Commons in a grand committee, made a farther progress in that bill.

Feb. 16. Mr. Broderick, from the committee of secrecy, to whom it was referred to inquire into all the proceedings relating to the execution of the act of the last session of Parliament, intituled, *An act for enabling the South-Sea company to increase their present capital stock, &c.* reported the matter as it appeared to them, which they had directed him to report to the House; and having read the same report in his place, which took up near two hours and an half, he delivered it in at the table, where the same was again read. It was then moved, that the said report be printed; but after several speeches had been made thereupon, it was thought fit to order, that the said report be taken into consideration upon Saturday next.

*Vid. Appen.
No. 1.*

On the 17th of *February*, the Commons, in a committee of the whole house, considered of the King's message relating to the *South-sea* company's petition, and came to the following resolutions, *viz.*
1. That the payment of the sum of four millions one hundred fifty six thousand three hundred six pounds four shillings eleven pence, due to the public by the *South-sea* company, by virtue of the act of
the

the last session of Parliament, and made payable within one year, by four equal and quarterly payments, the first payment commencing the 25th day of *March* 1721, be farther delayed and postponed to the year 1722; and that farther provision be made for the more effectual payment thereof. 2. That the repayment of the sum of one million, which was lent to the *South-sea* company, on or about the 7th of *June*, 1720, be postponed to the 7th day of *June* 1722.

Feb. 11. These resolutions were reported by Mr. *Farrer*, and agreed to by the house; and it was thereupon ordered, that it be an instruction to the committee of the whole house, to whom the ingrafting bill was committed, that they have power to receive a clause or clauses pursuant to the said resolutions. After this, the Serjeant at arms was ordered to summon the members in the places adjacent to attend the service of the house, who then proceeded to take the report from the committee of secrecy into consideration; and after some speeches on the several parts of it, the house came unanimously to the several following resolutions:

1. That the late sub-governor, deputy-governor, and directors of the *South-sea* company, and their officers, and their aiders and abettors, in lending out the company's money upon stock and subscriptions, without taking sufficient security for repayment thereof, have been guilty of a notorious breach of trust, and have thereby occasioned great loss to the company, for which they ought to make satisfaction out of their own estates.

2. That the selling or disposing of stock or subscriptions transferred or deposited as a security for the repayment of the money so lent, was a notorious breach of the trust reposed in the said sub-governor, deputy-governor, directors, and their officers, and a fraud

fraud on the proprietors, in order to enrich themselves, for which they ought to make satisfaction out of their own estates.

3. That the taking in or holding of stock by the *South-sea* company, for the benefit of any member of either house of Parliament, or person concerned in the administration, (during the time that the company's proposals, or the bill thereto relating, were depending in Parliament) without any valuable consideration paid, or sufficient security given for the acceptance of, or payment for such stock; and the company's paying or allowing such person the difference arising by the advanced price of the stocks, were corrupt, infamous, and dangerous practices, and highly reflecting on the honour and justice of Parliaments, and destructive of the interests of his Majesty's government.

4. That any of the directors of the *South-sea* company selling their own stock at high prices to the company or others, at the same time that they gave orders for buying stock upon account of the company, under pretence of keeping up the nominal value of the said stock, was a scandalous practice, tending to enrich themselves, to the great loss and detriment of the company, and of others of his Majesty's subjects, for which they ought to make satisfaction out of their own estates.

5. That the declaring a dividend of 30 per Cent. for *Christmas* last, and not less than 50 per Cent. per *Annum* for not less than 12 years after, was an infamous contrivance to give his Majesty's subjects false notions of the value of the said stock, that the late directors might more easily dispose of their own stock at exorbitant prices.

6. That

6. That the setting the stock of the *South-sea* company, to sale by subscriptions at high prices, above the intrinsic value of the same, by the late sub-governor, deputy-governor, and directors of the said company, was a gross and notorious fraud, and has been one great cause of the sinking of the public credit, and bringing upon the nation the distress it at present labours under.

7. That the advising the late sub-governor, deputy-governor, and directors of the *South-sea* company, to set the stock of the said company to sale by subscriptions at high and extravagant prices, or to declare the high and extravagant dividends for *Christmas* last, and twelve years after, by any persons in the administration, was a notorious breach of the trust reposed in them, to the prejudice of his Majesty's government, and the interest of this kingdom.

Then the farther consideration of the said report was adjourned to the 21st, when, after some time spent therein, the Commons came to the farther unanimous resolutions that follow, *viz.*

8. That the entry in the cash-book of the *South-sea* company, of five hundred seventy four thousand five hundred pounds stock, pretended to be sold for one million two hundred thirteen thousand five hundred seventy five pounds, between the 4th of *February* 1719, and the 12th of *April* following, was contrived with a design to conceal the names of persons for whose benefit stock was taken in by the said company.

9. That every person for whom stock was taken in or held, such stock being part of the five hundred seventy four thousand five hundred pounds, pretended to be sold by the *South-sea* company, from the 4th day of *February* 1718, to the 12th day of *April*

April following, without money paid, or sufficient security given for the acceptance of, and payment for such stock, be obliged to pay to the said company all such sums of money as have been received by way of difference, or otherwise, for such stock taken in or held as aforesaid.

10. That the addition of two hundred fifty thousand pounds to the first money-subscription, after it had been declared to have been opened for two millions, and the addition of five hundred thousand pounds to the second money-subscription, after it had been declared to be opened for one million, were fraudulently contrived to give corrupt advantages to particular persons, and were injurious to public credit.

11. That a bill be brought in for the relief of the unhappy sufferers in the *South-sea* company.

And it was ordered, 1st, That Mr. *Broderick*, Mr. *Pulteney*, Mr. Chancellor of the Dutchy, the Lord *Molesworth*, Mr. Attorney-General, Master of the Rolls, Mr. *Smith*, Mr. *Ward*, Mr. *Horatio Walpole*, Mr. *Lownds*, Mr. *Rosse*, Lord *Barrington*, Mr. Serjeant *Pengelly*, Mr. Solicitor-General, Mr. *Jeferies*, and Mr. *Talbot*, do prepare and bring in the same. 2dly, That the said bill be brought in pursuant to the resolutions of this house, of this day, and of the 18th instant.

Feb. 21. It was ordered,

1. That the directors of the *South-sea* company do, with all convenient speed, lay before this house an account of what they intend to do, in relation to the several persons interested in the said company by money-subscriptions, or otherwise.

2. That

2. That the directors of the *South-sea* company do lay before this house, the proceedings and resolutions of the general court of the said company held the 23d of *December* last.

Feb. 25. Mr. *Broderick* acquainted the Commons, That the committee of secrecy, since the former report, had come to a farther knowledge of some matters therein mentioned, and were ready to lay a farther report before the house, at such time as the house should appoint to receive the same. Hereupon it was ordered, that the report be now received. Mr. *Broderick* accordingly read the said report in his place, and afterwards delivered it in at the table, where the same was again read, and then ordered to lie on the table.

After this, the house considered farther of the report, from the committee of secrecy, and notice being taken of a fraud committed in relation to the two last money-subscriptions, it was resolved, *nemine contradicente*, that the supposed deficiency of six hundred thousand pounds upon the third-money subscription, and of one hundred thousand pounds upon the fourth money-subscription, taken by the *South-sea* company, ought to be made good and answered to the company, by the late sub-governor, deputy-governor, directors, and cashier, the said subscriptions being declared, at a general court of the said company, holden the 8th of *September*, 1720, to have been compleated at five millions, and at two millions five hundred thousand pounds respectively, and accordingly entered and passed to the credit of the company in their cash-book. Then it was ordered, that it be an instruction to the gentlemen who were to prepare and bring in the bill for the relief of the unhappy sufferers in the *South-sea* company, that they do prepare and bring in a clause or clauses pursuant to the said resolution; as also, that it be an instruction to the committee of secrecy, that they proceed
in

in the farther examination of particulars, of the five hundred seventy four thousand five hundred pounds *South-sea* stock supposed to be disposed of between the 4th of *February*, 1719, and the 12th of *April* following.

March 8. Mr. *Fox*, from the auditor of the *Exchequer*'s office, and Mr. *Lockyer*, from the *South-sea* company, laid before the House several papers that had been called for.

Then the order of the day being read, for taking into farther consideration the reports from the committee of secrecy, those parts of the first of the said reports, which related to *John Aislaby*, Esq; (a member of this House) were read ; and then the second report from the said committee was read ; and a letter from the said Mr. *Aislaby*, to Mr. *Weymondfold*, dated 1st *March*, 1719 ; and also, several examinations of Mr. *Weymondfold* before the said committee ; and the examination of Mr. *Robert Surman*, taken the thirty first of *January* last ; and the examination of Mr. *Francis Hawes* before the said committee, taken the twenty fourth of *February* last, were read. Afterwards Sir *John Fellows*, Mr. *Charles Foye*, Mr. *Hawes*, Sir *John Blunt*, Mr. *Holditch*, Mr. *Gibbon*, and Mr. *Chester*, were severally called in and examined. Then the examination of Mr. *Hawes*, taken the 31st of *January* last, before the said committee, was read ; and Mr. *Hawes* was called in and examined. Then the examination of Mr. *Robert Surman*, taken before the said committee the 7th day of *March* last, was read ; and he was called in and examined, and proved on account of *South-sea* stock bought by Mr. *Knight*, for Mr. *Aislaby* ; which account was read ; and after Mr. *Weymondfold* had been examined, the examination of Sir *Theodore Janssen*, taken before the said committee the 20th and 26th days of *January* last ; and the examination of Sir *Lambert Blackwell*, taken before the said committee

committee the 25th day of *January* last, were read. Afterwards Mr. *Gibbon*, Sir *John Fellows*, and Mr. *Joye*, were again severally called in and examined. And then the examination of Mr. *Knight*, taken the 17th day of *January* last; and the examination of Sir *John Blunt*, taken before the said committee the 14th of *January* last; the copy of the warrant for making forth new *Exchequer* bills for one million; and also the copy of the memorial from the *South-sea* company, relating to the issuing of *Exchequer* bills by way of loan to the said company, were read: And afterwards Sir *John Fellows* and Sir *John Blunt*, were again severally called in and examined.

The reading of the papers, and the examination of the persons abovementioned, lasted till about nine o'clock in the evening; after which Mr. *Aislaby* made a long, submissive, and pathetic speech, in his own defence; but what was deposed against him by Mr. *Hawes*, viz. That he had caused the book of accompts between them to be burnt, and given him a discharge for the balance, amounting to about 842,000 *l.* appeared so heinous, and so home a proof, that after he was withdrawn, the House came to the following unanimous resolutions, viz.

Resolved, *Nemine Contradicente*.

I. That it appears to this House, that 22000 *l.* *South-sea* stock was bought by Mr. *Robert Knight*, late cashier of the *South-sea* company, upon the 3d and 19th days of *December*, 1719, for the use and on the account of *John Aislaby*, Esq; (a member of this House) then chancellor and under-treasurer of the *Exchequer*, and one of the commissioners of his Majesty's Treasury.

II. That from the 30th day of *January*, 1719, to the 4th day of *March* following inclusive, 70000 *l.* *South-sea* stock was transacted by Mr. *Matthew Weymond* sold

mondfold, broker, by the direction and on the account of the said *John Aislable*, Esq;

III. That 20000 *l. South-sea* stock, part of the said 70000 *l. stock*, was delivered to Mr. *Matthew Weymondfold* broker, on the 12th day of *February*, 1719, by *Robert Surman*, late deputy-cashier of the *South-sea* company, at the rate of 130 *l. per cent.* by direction of *Robert Knight*, late cashier of the said company, for the use and benefit of the said *John Aislable*, Esq;

IV. That several parcels of *South-sea* stock, part of the said 70000 *l. stock*, amounting to 20000 *l. stock* for 35357 *l. 10 s.* were bought by *Matthew Weymondfold* broker, on the 1st day of *March*, 1719, by the order of the said *John Aislable*, Esq; and that the said 20000 *l. stock* was delivered by the said *Matthew Weymondfold* on the 4th day of *March*, 1719. to *Robert Knight*, late cashier of the *South-sea* company, for the use and benefit of the said Mr. *Aislable*; and that the said *Robert Knight* did then pay the said 35357 *l. 10 s.* for the same.

V. That the aforesaid 20000 *l. South-sea* stock, was stock taken in and held by the said *Robert Knight*, for the benefit of the said *John Aislable*, Esq; after the proposals of the *South-sea* company were accepted by this House, and a bill ordered to be brought in thereupon, without any money paid or security given by the said Mr. *Aislable* for the said stock.

VI. That the taking in and holding the said 20000 *l. South-sea* stock, by the said *Robert Knight*, with the privacy and for the benefit of the said *John Aislable*, Esq; was a most notorious, dangerous, and infamous corruption in the said Mr. *Aislable*.

VII. That

VII. That it appears to this House, that between the 20th day of *March*, 1720. and the 21st day of *November* following, there was an account between *Turner and Company* and *Edmund Waller*, son-in-law of the said *John Aislaby*, Esq; amounting in the whole to the sum of 79445*l.* 15*s.* 9*d.* and that there was also an account of *South-sea* stock depending between the said *Turner and Company*, and the said *Mr. Waller*, on the balance of which last mentioned account there was 77600*l.* due from the said *Turner and Company*, for securing whereof the said *Turner and Company*, entered into bonds the 26th of *November* last, for twelve months from the 24th day of *September* then past, viz. One bond for 44600*l.* to the said *Edmund Waller*, and one other bond to *Thomas Weddall*, Esq; for 33000*l.* in trust for the said *John Aislaby*.

VIII. That the said *John Aislaby*, Esq; was privy to, and did approve and consent, that the million of *Exchequer* bills, lent by the Treasury to the *South-sea* company, should be lent out by the said company upon their stock, and accordingly the same was done.

IX. That the said *John Aislaby*, Esq; at a meeting with the said sub-governor and several of the directors of the *South-sea* company, did advise the taking in the first money subscription at 300*l.* per cent. and agreed to promote the same.

X. That the said *John Aislaby*, Esq; gave in a list to the late directors of the *South-sea* company, of the names of persons to be admitted into the third money subscription at 1000*l.* per cent. for several sums of money amounting to 75300*l.* and did thereby promote and encourage the said subscription.

XI. That the said *John Aislaby*, Esq; has encouraged and promoted the dangerous and destructive
excution

execution of the late *South-sea* scheme, with a view to his own exorbitant profit, and has combined with the late directors of the *South-sea* Company in their pernicious practices, to the detriment of great numbers of his Majesty's subjects, and the ruin of the public credit and the trade of this kingdom.

XII. That the said *John Aislaby*, Esq; be for his said offences expelled this House.

Then it was ordered, that the said *John Aislaby*, Esq; be committed prisoner to his Majesty's *Tower of London*; and that Mr. *Speaker* do issue his warrant accordingly.

And that leave be given to bring in a bill for restraining *John Aislaby*, Esq; from going out of this kingdom for the space of one year, and until the end of the next session of Parliament, and for discovering his estate and effects, and for preventing the transporting or alienating the same; and that Mr. *Hutcheson* and the master of the rolls do prepare and bring in the same.

March 14. Mr. *Hutcheson* presented to the House, *A bill for restraining John Aislaby, Esq; from going out of this kingdom, &c. and for discovering his estate and effects, &c.* which was read the first time, and ordered to be read a second. Then the Serjeant at Arms having summoned the members in the adjacent places to attend the service of the House, the Commons proceeded to take into farther consideration the report from the Committee of Secrecy: And the House being moved, that a part of the said report relating to the Earl of *Sunderland*, might be read, the same was read accordingly. His Lordship's friends not expecting that he would be so soon attacked, appeared somewhat surprized; and thereupon moved, and struggled hard, for adjourning the consideration of that part of the said report 'till the next morning; which was at last agreed to; and

Sir

Sir *John Fellows*, Bart. *Charles Foye*, Esq; Sir *John Blunt*, Bart. *Edward Gibbon*, Esq; *Robert Chester*, Esq; and Mr. *Robert Surman*, were then ordered to attend.

March 15. The Commons proceeded in the adjourned consideration of that part of the report from the Committee of Secrecy which related to the Earl of *Sunderland*; and the several examinations of Sir *John Blunt*, Mr. *Edward Gibbon*, Mr. *Charles Foye*, *James Craggs*, Esq; Mr. *Richard Holditch*, Mr. *John Webster*, Mr. *Robert Surman*, Sir *Lambert Blackwell*, Mr. *Francis Hawes*, Mr. *William Astell*, Sir *John Fellows*, and Sir *Theodore Janssen*, taken before the said Committee, were read; and afterwards Mr. *Foye*, Mr. *Gibbon*, Mr. *Chester*, Mr. *Holditch*, and Mr. *Surman*, were severally called in, and examined.

Then a motion was made, that it appears to the House, that, after the proposals of the *South-sea* company were accepted by this House, and a bill ordered to be brought in thereupon, and before such bill passed, 50000 *l.* of the capital stock of the *South-sea* company was taken in by *Robert Knight*, late cashier of the said company, for the use, and upon the account of *Charles* Earl of *Sunderland*, a Lord of Parliament, and first commissioner of the Treasury, without any valuable consideration paid, or sufficient security given, for payment for, or acceptance of the same.

This motion occasioned a warm debate, that lasted till near eight o'clock in the evening, but the question being put thereupon, it was carried in the negative by a majority of 233 votes against 172: Which, however, occasioned various reasonings and reflections. That ticklish affair being over, the Commons put off the farther consideration of the report from the Committee of secrecy, till the *Friday* following.

On the 17th of *March* the order of the day being read, for the house to take into farther consideration the report from the Committee of secrecy, Mr. *Hutcheson* represented, ‘ That it was
‘ impossible to proceed in so important an affair,
‘ without exposing the justice of Parliament to
‘ be baffled, as it had been in some late instances,
‘ so long as they wanted so material a witness as
‘ Mr. *Robert Knight* : ’ And therefore he moved, and, being seconded, it was resolved, *nemine contradicente*, ‘ That an humble address be presented to his Majesty, humbly to desire his Majesty,
‘ that he would be pleased to impart to this house,
‘ the advices his Majesty has received, or shall
‘ receive, from abroad, concerning his gracious endeavours to bring over *Robert Knight*, late cashier of the *South-sea* company, to answer to
‘ the justice of the kingdom : ’ Which address was ordered to be presented, by such members of the house as were of his Majesty’s most honourable Privy-Council. It was by many conjectured, that the *remora* that hindered Mr. *Knight*’s coming over, was rather in *London*, than in *Vienna* or *Brussels* : But be that as it will, the Commons having in the mean time, no great business before them, adjourned themselves to the 20th.

On the 20th of *March*, the Commons ordered their speaker to issue his warrant for a new writ, for the electing a burgess for the borough of *Rippon*, in *Yorkshire*, in the room of *John Aislaby*, Esq; expelled the house. Then Mr. *Comptroller* acquainted the Commons, that their address, relating to Mr. *Knight*, having been presented to the King, his Majesty had commanded him to lay before the house, several letters and papers containing advices from *Flanders* concerning him (with a schedule of them) and at the same time, to acquaint the house, that as his Majesty had not
received

received any advice of Colonel *Churchill's* being got to *Vienna*, nor any letter from thence relating to Mr. *Knight*; that as soon as any should come to his Majesty, they should be laid before the house: Hereupon several letters from Mr. *Leather*, his Majesty's Resident at *Brussels*, to the Secretary of State, were read, importing in substance, ' That
' pursuant to his orders, he had made the most
' pressing instances with the Marquess *de Prie*,
' for the delivering up of Mr. *Knight*: But had
' been answered, that the said Marquess had not
' received any instructions from *Vienna* about that
' matter; that, in the mean time, he was apprehensive that the same would meet with great
' difficulties. That the *Greffier*, or Secretary, of
' the States of *Brabant*, had been twice with the
' said Marquess to represent to him, that according to one of the articles of the *joyful entry* of
' *Brabant*, which was granted them by the Emperor *Charles V.* and has been sworn to by all
' his successors (and which they look upon as their
' *magna charta*) no person charged with, or apprehended for any crime, can be removed to
' be tried out of their province; and that the deputies of the States insisted upon that article, of
' which the Resident had inclosed a copy in *French*,
' which was also read in the house.

Most of the members appeared surprized at the unexpected difficulty about the delivering up Mr. *Knight*, which was started, in the name of the States of *Brabant*; and the Lord *Molesworth*, among others, said thereupon, ' That it was to be hoped,
' they should have a more satisfactory answer from
' *Vienna*, than they had from *Brussels*: But if they
' had not, it would, in his opinion, be proper to
' call for the treaties lately entered into with the
' house of *Austria*, to know upon what motives
' we have been at so great an expence of blood
' and

‘ and treasure, and have sent our men of war to
 ‘ rot and be worm-eaten in the *Mediterranean*, to
 ‘ conquer kingdoms for the Emperor? Adding,
 ‘ that if that pretended privilege of the states of
 ‘ *Brabant*, should be insisted upon, they might
 ‘ remove that obstacle, by addressing his Majesty
 ‘ to grant his pardon to Mr. *Knight*, in order to
 ‘ have him brought over: But that it was proper
 ‘ not to make any farther step in that affair, till
 ‘ they were acquainted with the success of Colonel
 ‘ *Churchill*’s negotiation at *Vienna*.

On the 22d, Mr. Comptroller acquainted the Commons, that his Majesty having, the day before, received a Letter from Colonel *Churchill*, directed to the Lord Viscount *Townshend*, dated *Vienna* the 4th of *March*, 1720-21, had commanded him (pursuant to the address of the house) to lay a copy thereof before the house; which Mr. Comptroller presented to the house accordingly. The copy of that letter was thereupon read, importing in substance; that he was just arrived at *Vienna*, and would not lose one moment, in making the most pressing instances to the imperial court, for the delivering up of Mr. *Knight*; and that he did not doubt success, unless the privileges of the States of *Brabant* interfered: Several smart reflections were made (particularly by the Lord *Molesworth*) upon the frivolous pretence that was made use of, to baffle his Majesty’s gracious endeavours to bring over Mr. *Knight*: But the House did not think fit to come to any resolution thereupon; and then, in a grand Committee, went through the bill for the better establishing of public credit, by preventing for the future, the infamous practice of stock-jobbing. The same evening Colonel *Churchill* arrived from *Vienna*, which being known the next morning, occasioned a general surprize.

Colonel

Colonel *Churchill* being come into the house, of which he was a member, it was expected that an account of his negotiations would, that day, have been laid before the Commons: but they were only given to understand, that as soon as the dispatches he brought from *Vienna* could be translated, they should be laid before the house, who thereupon adjourned till the 27th.

Being then met again, Mr. Speaker laid before the Commons duplicates of the inventories or particulars of the estates of the late Sub-Governor, Deputy-governor, Directors, and Officers of the *South-sea* company, (except such as were already before the house) viz. of Sir *John Fellows*, Sub-Governor, *Charles Foye*, Esq; Deputy-Governor, *James Edmundson*, Esq; *Arthur Ingram*, Esq; Sir *Theodore Janssen*, Kt. and Bart. *Stephen Child*, Esq; *Francis Hawes*, Esq; *Jacob Sawbridge*, Esq; *John Turner*, Esq; Sir *William Hammond*, Kt. *William Morley*, Esq; *Richard Horsey*, Esq; *Hugh Raymond*, Esq; Sir *Lambert Blackwell*, Bart. *John Gore*, Esq; *William Astell*, Esq; *Samuel Read*, Junior, Esq; *Robert Chester*, Esq; *Richard Houlditch*, Esq; Sir *Robert Chaplin*, Bart. *Thomas Reynolds*, Esq; *Peter de la Porte*, Esq; *Edward Gibbon*, Esq; Sir *Harcourt Master*, Kt. *Ambrose Page*, Esq; Sir *Jacob Jacobson*, Kt. Sir *John Lambert*, Bart. Sir *William Chapman*, Knt. and Bart. Sir *John Blunt*, Bart. *John Grigsby*, Accountant, *Robert Surman*, Deputy-Cashier: And these duplicates of inventories were referred to a select Committee, which was thereupon appointed to examine the same, to make estimates of the balances of the said several duplicates, and to report to the house such observations as they should make upon them. After this Mr. Comptroller acquainted the house, that his Majesty had commanded him to lay before them copies of several letters and papers relating to Mr. *Knight*, which

he presented to the house accordingly, with a schedule of them. The copies of the said letters were read, and among them a letter from the Emperor to the King of *Great Britain*, expressing
 ‘ his imperial Majesty’s inclination and readiness
 ‘ to comply with his *Britannick* Majesty’s desires,
 ‘ as to the delivering up of Mr. *Knight*, but that
 ‘ the States of *Brabant* having and claiming particular privileges, which his Imperial Majesty was
 ‘ engaged to maintain, it would be necessary to
 ‘ make application to the said States; and his Imperial Majesty on his part, would not fail to
 ‘ support such instances as should be made.’ To which effect Prince *Eugene* wrote a letter to the Marquess *de Prie*, which was also read. Several severe reflections were made, by a noble member, on the former of those two letters: But this affair being equally nice and important, it was resolved to take into consideration the several letters and papers relating to Mr. *Knight*, which his Majesty had been pleased to communicate to this house, in a grand Committee, on the 29th.

On the 28th the Commons ordered, that the Committee to whom the duplicates of the inventories of the estates of the late directors, &c. of the *South-sea* Company, were referred, should have power to send for persons, papers, and records.

March 29. The Commons, in a grand Committee, took into consideration the several letters and papers, laid before them, relating to Mr. *Knight*. After the reading of some of those papers, Mr. *Hutcheson* opened the debate, representing, ‘ How much, on the one hand, the public
 ‘ was concerned, in having the authors of the present distress fully discovered and brought to condign punishment; and how impracticable it was,
 ‘ on the other hand, to proceed in this important inquiry, so long as the principal agent of the
 ‘ late

‘ late *South-sea* directors, and their accomplices,
‘ was kept out of the way ; that, in the mean
‘ time, the public calamity encreasing every day,
‘ the nation called aloud for justice : And there-
‘ fore, if the means already used for bringing over
‘ Mr. *Knight*, proved abortive, it were advisable
‘ to have recourse to more speedy and effectual
‘ methods.’ Sir *Joseph Jekyll*, and the Lord
Molesworth, strongly supported Mr. *Hutcheson*,
and, in particular, shewed, that it was incumbent
on some Persons in the administration to have
Mr. *Knight* brought over, in order fully to clear
their own innocence ; otherwise, though acquitted,
they would still be looked upon as criminal.
Urging, that it was matter of wonder, that so
frivolous a pretence, as the privileges of the States
of *Brabant*, should be made use of to put a stop
to so important an inquiry, especially considering
how little those privileges had been regarded in
more material points ; and what obligations the
house of *Austria* lay under to the *British* nation.
Sir *Richard Steele* offered something against oblig-
ing Mr. *Knight* to be an evidence, whether he
would or no : But no great stress was laid upon
it. On the other hand, Mr. *Lechmere* represent-
ed, ‘ That in all probability the court of *Vienna*
‘ had not, at first, fully considered the importance
‘ of the instances that were made to them in his
‘ Majesty’s name, and at the desire of the Com-
‘ mons of *Great Britain* : But that it was to be
‘ presumed, that when so wise a Prince, as the pre-
‘ sent Emperor, should be apprized, that the wel-
‘ fare and safety of *England*, to whom his Impe-
‘ rial Majesty had so great obligations, depended,
‘ in some measure, on the delivering up of Mr.
‘ *Knight*, he would readily comply with their de-
‘ sires.’ Hereupon Mr. *Lechmere* moved, ‘ That
‘ an humble address be presented to his Majesty,
‘ returning the thanks of this house for the in-

‘ instances he has been pleased to make, by a letter
 ‘ under his royal hand to his Imperial Majesty,
 ‘ for obtaining the delivering up of Mr. *Knight*,
 ‘ pursuant to the address of this house, and for
 ‘ communicating to this house, the steps which
 ‘ have been taken relating thereto ; and to repre-
 ‘ sent to his Majesty, the dissatisfaction which his
 ‘ Commons have at the obstacles which they find
 ‘ have been raised, under the pretence of the pri-
 ‘ vileges of the States of *Brabant*, against a com-
 ‘ pliance with his gracious endeavours.

‘ And also to represent, that this house is every
 ‘ day more and more convinced of the high im-
 ‘ portance it is to the justice due to his Majesty’s
 ‘ people, that effectual measures be speedily taken
 ‘ for bringing over Mr. *Knight*.

‘ And earnestly to beseech his Majesty to im-
 ‘ ploy his most pressing endeavours, in such man-
 ‘ ner, as in his great wisdom shall be thought
 ‘ proper, for attaining the just desire of his
 ‘ Commons.

No body offered to oppose this motion, which,
 after Mr. Speaker had resumed the chair, Mr.
Broderick reported to the house ; and the same be-
 ing agreed to *nemine contradicente*, it was resolved,
 that the said resolution be laid before his Majesty
 by the whole house.

Accordingly, *March* 30, the Commons, to the
 number of above three hundred, in their coaches,
 with their speaker at their head, went, about
 two o’clock in the afternoon, to *St. James’s*, and
 presented the said resolution to his Majesty, who
 returned the following most gracious answer.

*I Am very well pleased, that the instances which I
 have made for obtaining the delivering up of Mr.
 Knight, have given you satisfaction ; I shall continue
 to employ my utmost endeavours for obtaining what
 you desire, and hope they will prove effectual.*

April

April 17. Mr. Comptroller laid before the house copies of several letters and papers relating to Mr. Knight, late cashier of the *South-sea* company: And Sir Thomas Croffe reported from the Committee to whom it was referred to examine the several duplicates of the inventories or particulars of the estates of the late sub-governor, deputy-governor, directors, deputy-cashier, and accountant of the *South-sea* company, delivered into this house, and to make estimates of the balances of the said several duplicates: That the Committee had considered the matter to them referred, and had made an estimate of the balances of the said several duplicates, which they had directed him to report to the house; and he read the same in his place, and afterwards delivered the report in at the table, where the same was read; and ordered to lie on the table. The balances of the said estates are as follow, viz.

			l.	s.	d.	A List of the directors estates.
Blunt	—	—	183,349	10	8 $\frac{1}{4}$	
Edmundson	—	—	5,365	0	0 $\frac{1}{4}$	
Hawes	—	—	40,031	0	2	
Hammond	—	—	22,707	4	2	
Raymond	—	—	64,373	6	3	
Gore	—	—	38,926	15	5	
Read	—	—	117,297	16	0	
Chester	—	—	140,372	15	6	
Houlditch	—	—	39,527	10	4	
Chaplin	—	—	45,875	14	5	
Reynolds	—	—	18,368	12	2 $\frac{1}{4}$	
De la Porte	—	—	17,151	4	6	
Gibbon	—	—	106,543	5	6	
Page	—	—	34,817	12	3 $\frac{1}{4}$	
Chapman	—	—	39,161	6	8 $\frac{1}{2}$	
Lambert	—	—	72,508	1	5	
Grigsby	—	—	31,687	6	0	
Tylard	—	—	19,175	14	4	
Surman	—	—	112,321	10	0	
Jacobson	—	—	11,081	4	0	
		D 3				Fellows

		l.	s.	d.
<i>Fellows</i>	_____	243,096	0	6
<i>Blackwell</i>	_____	83,529	17	11
<i>Janssen</i>	_____	243,244	3	11
<i>Joye</i>	_____	40,105	2	0
<i>Ingram</i>	— —	16,795	0	0
<i>Eyles</i>	— —	34,329	16	7
<i>Sawbridge</i>	_____	77,254	1	3
<i>Morley</i>	_____	1,869	10	3
<i>Horsey</i>	— —	19,962	5	3
<i>Child</i>	— —	52,437	19	1
<i>Astell</i>	— —	27,750	19	8 $\frac{3}{4}$
<i>Turner</i>	_____	881	17	6
<i>Master</i>	— —	11,814	12	3 $\frac{1}{2}$
Total amount		2,014,123	16	2 $\frac{1}{4}$

Vid. Appen-
dix, No. 3.

April. 20. Mr. *Broderick* having acquainted the house, That the Committee of secrecy, since their former report, had come to a farther knowledge of some matters, and were ready to lay a farther report before the house, at such time as the house should appoint ; it was ordered, that the said report be received the next morning.

Accordingly on the 21st, after the reading of six petitions, of as many of the late directors, and of a seventh of *John Grigsby*, late Accountant-General of the *South-sea* Company, praying the consideration and compassion of the house ; Mr. *Broderick*, from the Committee of secrecy, reported some farther matters, as they appeared to the said Committee, and delivered the report in at the table, where the same was read, and ordered to be taken into consideration that day seven-night. The most material part of this third report, related to *James Craggs*, sen. Esq; late Post-master-General, and imported, in substance, ' That forty thousand pounds *South-sea* stock had
' been

' been taken in, and paid for out of the cash of the
 ' *South-sea* company, for the use and benefit of the
 ' said *Craggs*.' It appeared likewise by this report,
 ' That the secret Committee had several times ex-
 ' amined Mr. *Waller*, but that he contradicted him-
 ' self in several particulars; pretending, that he
 ' had torn or burnt all his books of accounts; so
 ' that he had nothing to shew for all his dealings,
 ' either himself, his mother, or Mr. *Aislaby*, his
 ' brother-in-law.' These particulars incensed many
 of the members: And the *bill for restraining John*
Aislaby, Esq; from going out of this Kingdom, &c.
and for discovering his estate and effects, &c. being
 thereupon read the second time, and committed, a
 motion was made for consolidating the said bill, with
 the *bill for relief of the unhappy sufferers in the South-*
sea company. Mr. *Robert Walpole*, and some other
 gentlemen, represented, ' That it would seem hard
 ' to put a person of Mr. *Aislaby's* eminence and dis-
 ' tinction on the same level with the directors, and
 ' that such a precedent might be of dangerous con-
 ' sequence:' But Mr. *Lechmere*, Sir *Joseph Jekyll*,
 the Lord *Molesworth*, Mr. *Broderick*, Mr. *Shippen*,
 and some other members, speaking for the motion,
 the court-party did not think fit to divide against it,
 and so it was carried, and resolved, That Mr.
Aislaby's bill be committed to the Committee of the
 whole house, to whom the *bill for the relief of the un-*
happy sufferers in the South-sea company, was com-
 mitted; and ordered, That it be an instruction to
 the said Committee, that they do alter and make
 both the said bills into one. It was also ordered,
 upon Serjeant *Pengelly's* motion, seconded by Ge-
 neral *Rosse*, That it be an instruction to the said
 Committee, that they do provide, by a clause or
 clauses, for subjecting the real and personal estates of
 the said *John Aislaby, Esq;* in the same manner, and
 to the same purposes, to which the estates of the
 late directors of the *South-sea* company are subjected,

by the bill for relief of the unhappy sufferers in the *South-sea* company. Then the call of the house was farther adjourned to the 21st of *May*.

April 22. Six of the late directors, and Mr. *Surman*, one of the late clerks of the treasury-office of the *South-sea* company, petitioned the Commons for compassion: And on the other hand, four petitions, viz. of the counties of *Hertford* and *Dorset*, of the city of *Bristol*, and of the borough of *Oakhamp-ton* in *Devonshire*, prayed for justice to an injured nation.

April 24. Eleven other petitions from the late sub-governor, deputy-governor, and nine of the late directors of the *South-sea* company, were also presented to the Commons, and read; as were likewise five petitions (viz. of the counties of *Essex* and *Bucks*, city of *Exeter*, borough of *Agmondesham*, or *Amer-sham*, and of the Justices of the peace of *Middlesex*) for justice.

April 29. Sir *Harcourt Master*, and Sir *John Blunt*, two of the late directors, implored the consideration of the house: But it was observed, that Sir *John Blunt*'s petition, suggesting his innocence, rather moved their laughter, than compassion. After this, Mr. *Skippen* stood up, and took notice, ' That
' the house had sat a long while, and nothing
' had yet been done towards the restoring of public
' credit: That, indeed, a member of great parts
' and abilities had, at first, proposed a scheme for
' that purpose; but that instead of proving an ef-
' fectual remedy, it appeared at last to be a meer
' palliative, which had rather inflamed than alle-
' viated the distemper. That by this time, a whole
' injured nation called aloud for vengeance; and if
' they neglected to hear the voice of the people, it
' would look as if they had a mind to provoke them
' to

‘ to do themselves justice. That ’twas ever his opi-
‘ nion, that the only effectual means to restore cre-
‘ dit, was to call them to a strict account, who had
‘ ruined it; and in particular, all such as had ap-
‘ plied any part of the public money, entrusted in
‘ their hands, in stockjobbing, and had raised vast
‘ fortunes by robbing the public.’ And so he
moved, ‘ That it be an instruction to the Commit-
‘ tee of secrecy, that they inquire what public mo-
‘ ney had been employed by any treasurer, cashier,
‘ collector, receiver, or other officer concerned in
‘ the receipt or payment of the public money, or of
‘ any other part of his Majesty’s revenue, or by any
‘ in trust for them, or by their order, in buying
‘ stock or subscriptions in the *South-sea*, or any other
‘ company, or in annuities, or other Parliamentary
‘ securities, or otherwise making use of or employ-
‘ ing the same, to their private advantage, since the
‘ first Day of *December*, 1719.’

Sir *William Wyndham* seconded this motion; ad-
ding withal, ‘ That there was reason to apprehend,
‘ that the public money had not been administred
‘ with due œconomy, particularly in relation to
‘ some foreign troops, that were in the pay of *Eng-
‘ land* and *Holland* during the last war, to whom
‘ great sums had of late been allowed, on account
‘ of pretended arrears, after they had separated from
‘ the *English* general:’ And therefore he moved,
‘ That the late Commissioners appointed to examine,
‘ state, and determine, the debts due to the army,
‘ and to examine and state the demands of several
‘ foreign Princes and states, for subsidies during the
‘ late war, be ordered to lay before the house, co-
‘ pies of the several warrants and signs-manual, by
‘ virtue of which they issued any certificates.

Hereupon Mr. *Walpole* said, ‘ That he wondered
‘ to hear of such a motion in this house, when a little
‘ after the King’s coming to the throne, an act of
‘ Parliament

‘ Parliament had been made for payment of those
‘ arrears ; and that the commissioners of accounts
‘ had, undoubtedly, acted according to the intent
‘ and meaning of that act.’ To this, Mr. Chancellor of the *Dutchy* answered, ‘ That he was not against
‘ the motion that honourable gentleman had made,
‘ (meaning Sir *William Wyndham*) neither, on the
‘ other hand, was he about to justify it: But he
‘ would freely tell the gentleman who opposed it,
‘ That while the nation was under the pressure of
‘ heavy debts, he must expect that many such motions would be made, in order to find out methods
‘ to ease the public burden. That as he, (Mr. *Walpole*) was now in an higher post than formerly,
‘ so a great deal more was expected from him ; the
‘ rather because the scheme which he had proposed
‘ at the beginning of this session, for the raising of
‘ the stock, and restoring public credit, had not had
‘ the desired effect.’ Mr. *Walpole* replied, ‘ That
‘ it was known to every body, that he ever was
‘ against the *South-sea* scheme, and had done all
‘ that lay in his power, to hinder its taking place :
‘ But now the mischief was done, and things were
‘ brought to such extremities, he thought it his duty,
‘ and therefore was willing, to try the best method
‘ he could think of, to extricate the nation out of
‘ the difficulties into which they were plunged :
‘ That he did not intend to work miracles ; but
‘ only to use his utmost endeavours towards the retrieving the late misfortunes : That with this honest intention he had promoted a scheme which
‘ had been laid before him, and appeared the most
‘ plausible of any then proposed, for restoring public credit : That it could not be denied, that while
‘ that scheme was pursued, it had done some good,
‘ and kept up the price of stocks ; and that they fell
‘ since it had been laid aside : That however, he
‘ never intended to raise stocks above the intrinsic
value

‘ value, for that would bring us again into the same
 ‘ unhappy circumstances which the raising of them
 ‘ had before occasioned.’ He afterwards lamented
 the ill disposition of some persons, ‘ who, instead
 ‘ of concurring with others in remedying the pre-
 ‘ sent distemper, used all possible means to irritate
 ‘ and exasperate the minds of the people:’ Con-
 cluding with a motion, ‘ That a day be appointed
 ‘ to consider of the state of the public credit of the
 ‘ kingdom.’ This motion was unanimously agreed
 to, and that day seven-night appointed for that pur-
 pose; after two orders had been made according to
 the two motions (of Mr. *Shippen*, and Sir *William*
Wyndham) before-mentioned. Then the Commons,
 in a grand Committee, considered of the bills against
 the late *South-sea* directors, and against Mr. *Aislaby*,
 and having consolidated the same, put off the farther
 consideration of them till the 27th.

April 28. After the reading of the petitions of
 the corporation, town, and county of *Bedford*, for
 punishing those who had raised their fortunes by sa-
 crificing the public credit, the Commons proceeded
 to take into consideration those parts of the reports
 of the Committee of secrecy, of the 21st of *April*
 instant, and of the 16th of *February* last, relating to
James Craggs, Esq, deceased, late Post-master-Ge-
 neral, which having been read, Mr. *Broderick* moved,
 ‘ That the said Mr. *Craggs* having taken 40000*l.*
 ‘ *South-sea* stock without paying for it, or giving
 ‘ sufficient security for the payment of the same, his
 ‘ estate might be made liable to the same forfeitures
 ‘ with those of the late directors.’ Hereupon *Grey*
Nevil, Esq; desired, ‘ That the gentlemen con-
 ‘ cerned in this affair, two of whom were members
 ‘ of this house, might be first heard by their Coun-
 ‘ sel, and produce what witnesses they had, before
 ‘ the house came to any resolution in this matter.’
 Mr. *Robert Walpole* seconded him, and, in particu-
 lar

lar, said, ' He hoped the house would not break
' their known rules, which were, not to condemn
' any one without first hearing them ; and sure they
' would not deny this piece of justice to their own
' members.' Mr. *Horatio Walpole* spoke to the
same purpose; and then Mr. *Trefusis* (one of the
members interested in this business) stood up, and
said, ' That they were not at all prepared, not ex-
' pecting that this affair would have come on this
' day, because there was another part in the report
' before it; and therefore he desired the house would
' give them time to get their witnesses : He added,
' he had never been used to speak in the house, or
' but very rarely, and his brother-in-law, Mr. *Nufam*,
' not at all, which he hoped the house would take
' into consideration, and allow them counsel to
' speak for them : That by Mr. *Craggs's* death, his
' estate was devolved to them, and Mr. *Elliot*,
' (lately a member of the house) in right of their
' wives, the deceased's three daughters : That there
' was no manner of crime laid to their charge ; and
' since Mr. *Craggs* was dead, and could not answer
' for himself, he hoped the house would allow them
' time and counsel.' This was opposed by Sir *Joseph*
Jekyll; but Mr. *Robert Walpole* said, ' That since
' the two gentlemen concerned had not been used to
' speak in the house, and therefore were not likely
' to make so good a defence as otherwise they might,
' he thought it reasonable to allow them counsel,
' and give them time to prepare.' To this Mr.
Lechmere replied, ' That it might, indeed, seem
' somewhat hard to deny counsel to gentlemen who
' were not used to speak in the house ; but he doubt-
' ed not but that good-natured gentleman that spoke
' last, who had so good a capacity, and was so able
' to advise them, would sit by them, and by his
' assistance be as useful to them, as if they had coun-
' sel, as he had been to several others in the like case.'

No

No return was made to this reply, upon which the motion for allowing counsel was dropt: And then, after some farther debate about the time for hearing this matter, the 1st of *May* was appointed for that purpose in a Committee of the whole House.

April 29. Notice was taken in the House of Lords, that little or nothing had yet been done towards punishing the author and printer of an impious libel complained of in that House last Sessions, intituled, *A sober reply to Mr. Higg's merry Arguments for the Tritheistical Doctrine of the Trinity*, while other meaner offenders had been prosecuted with vigour and brought to punishment. The Earl of *Nottingham*, and some others, complained of the growth and spreading of atheism, profaneness, and immorality; and thereupon the Lord *Willoughby of Brooke*, Dean of *Windsor*, brought in a bill for the more effectual suppressing of blasphemy and profaneness, which, in substance, was to the effect following, viz.

The preamble recited, ' That many books had
' been published of late, in which the authors had
' denied the Divinity of our Saviour Jesus Christ,
' the doctrine of the holy Trinity, and the truth of
' the Christian Religion, which offences the laws in
' being not having been sufficient to restrain, there-
' fore, for the more effectual suppressing of such de-
' testable practices, it is enacted:

A bill for
suppressing
blasphemy,
&c. brought
into the
House of
Lords.

I. ' That the author of any book which should
' be hereafter published, wherein the being of God,
' the divinity of our Saviour Jesus Christ, the Son
' of God, or of the Holy Ghost, or the doctrine of
' the most holy Trinity, as set forth in the thirty
' nine articles of the Church of *England*, or the
' truth of the Christian Religion, or the divine in-
' spiration of the holy scriptures, should be denied;
' and

‘ and every person who should, by advised speaking,
 ‘ deny the same, should, for every such offence, be-
 ‘ ing thereof lawfully convicted, by the oaths of
 ‘ witnesses, over and above the penalties in-
 ‘ flicted by the statute of the 9th of King *William III.*
 ‘ intitled, *An Act for the more effectual suppressing*
 ‘ *blasphemy and profaneness*, suffer imprisonment for
 ‘ months, unless, he should, within
 ‘ months after such conviction, publicly renounce
 ‘ his error, and make a profession of his faith in the
 ‘ following words. *I A. B. do solemnly and sincere-*
 ‘ *ly profess and declare, that I do believe that there is*
 ‘ *but one living and true God everlasting, the Maker*
 ‘ *and Preserver of all things both visible and invisible ;*
 ‘ *and that in the Unity of the Godhead there be three*
 ‘ *Persons of one Substance, Power, and Eternity, the*
 ‘ *Father, the Son, and the Holy-Ghost ; and I do ac-*
 ‘ *knowledge the Scriptures of the Old and New Testa-*
 ‘ *ment to have been written by divine Inspiration.* And
 ‘ that every printer or publisher of such books
 ‘ should for every such offence, being thereof law-
 ‘ fully convicted, over and above the penalties in
 ‘ the said statute of King *William*, suffer imprison-
 ‘ ment for months, unless he make proof who
 ‘ was the author of such book.

II. ‘ That if any preacher in any separate con-
 ‘ gregation should, by writing, or advised speak-
 ‘ ing, deny any of the fundamental articles of the
 ‘ Christian religion, and should be thereof lawfully
 ‘ convicted by the oaths of credible witnesses,
 ‘ he should from thenceforth be deprived of the be-
 ‘ nefit of the exemption allowed by an act passed in
 ‘ the first Year of King *William*, for exempting the
 ‘ dissenters from the church of *England* from the pe-
 ‘ nalties of certain laws, until he should make the
 ‘ aforesaid profession of his faith.

III. ‘ That

III. ‘ That the Archbishops of *Canterbury* and
‘ *York* in their respective provinces, and every Bi-
‘ shop in his respective diocess, upon information
‘ upon oath, be authorized and required to summon
‘ any person in holy orders to appear before him,
‘ and publickly to subscribe the declaration of his
‘ faith in the words before-mentioned : And that if
‘ any person should wilfully neglect or refuse so to
‘ do, such Archbishop or Bishop should certify such
‘ default or refusal into the courts of *Chancery*, or
‘ *King’s-Bench* ; and such person, upon such cer-
‘ tificate filed in either of the said courts, should
‘ from thenceforth be incapable to hold or take any
‘ ecclesiastical benefice, until he should make the a-
‘ foresaid profession of his faith.

IV. ‘ And the Justices of the Peace, at their Ge-
neral Quarter-Sessions, are authorized and required,
‘ upon information upon oath, to summon any
‘ Preacher in any separate congregation, or any per-
‘ son dissenting from the Church of *England*, called
‘ a Quaker, to appear before them, and to subscribe
‘ the declartion of his belief ; and such persons who
‘ should refuse or neglect the same, should for eve-
‘ ry such offence, being thereof lawfully convicted,
‘ be deprived of the benefit of the exemption allow-
‘ ed by the said Act of the first of King *William*,
‘ until he have made the profession of his belief in
‘ the Words before-mentioned ; but the Quakers, to
‘ profess their belief in the same words as they are
‘ required to do by the Toleration Act. No au-
‘ thor, printer, or publisher should be prosecuted,
‘ unless the prosecution be commenced within
‘ No person to be prosecuted for any offence against
‘ this Act by advised speaking, unless the words be
‘ taken down in writing within days after the
‘ speaking thereof, and the prosecution commenced
‘ within months.

After

After the first reading of this bill, the second reading was put off 'till the 2d of *May*, when all the Lords in and about *London* were ordered to be summoned to attend the service of the House.

A debate
concerning
the bill for
suppreffing
blasphemy
&c.

Accordingly on the 2d of *May* the said bill was read the second time, and his Grace the Lord Archbishop of *Canterbury* moved, that it be committed to a Committee of the whole house. Hereupon the Lord *Onslow* said, ' That he was as much against
' blasphemy, and for promoting religion, as it is
' professed in the Church of *England*, as any body ;
' but that he could not be for any Law that was for
' persecution, of which nature he took this bill to be,
' and therefore he moved that it might be thrown
' out.' His Lordship was seconded by his Grace the Duke of *Wharton*, who, among other things, said, ' That he was not insensible of the common
' talk and opinion of the town concerning him ; and
' therefore he was glad of this opportunity to justify
' himself, by declaring, That he was far from be-
' ing a patron of blasphemers, or any enemy to re-
' ligion : But that, on the other hand, he could not
' be for the bill, because he conceived it to be repug-
' nant to the holy Scripture ;' and thereupon, pulling an old family Bible out of his pocket, his Grace quoted and read several passages of the epistles of St. *Peter* and *Paul* ; concluding, that the bill might be thrown out. His Grace was back'd by the Duke of *Argyle*, and the Earls of *Sunderland* and *Ilay*, the Lord Viscount *Townshend*, the Earl *Cowper*, and the Earl of *Peterborough*. This last noble Peer said, among other things, ' That tho' he was for a Parlia-
' mentary King, yet he did not desire to have a
' Parliamentary God, or a Parliamentary Religion ;
' and if the house were for such a one, he would go
' to *Rome*, and endeavour to be chosen a Cardinal ;
' for he had rather sit in the Conclave than with their
' Lordships upon those terms.' The Lord Bishop of *Peterborough* spoke also on the same side, and said,
' That

‘ That neither himself, nor, he hoped, any of that
 ‘ bench, would be executioners of such a law, which
 ‘ seemed to tend to the setting up of an inquisition.’

On the other hand, the Earl of *Nottingham*, the
 Lord *Bathurst*, the Lords Bishops of *London*, *Win-*
chester, *Litchfield* and *Coventry*, and some others,
 spoke for the bill, as did likewise the Lord *Trevor*.
 One of these Peers having said, ‘ He verily believ-
 ‘ ed, that the present calamity occasioned by the
 ‘ *South-sea* project, was a judgment of God on the
 ‘ blasphemy and profaneness the nation was guilty
 ‘ of,’ the Lord *Onslow* replied, ‘ That noble
 ‘ Peer must then have been a great sinner; for ’twas
 ‘ said, he had lost considerably by the *South-sea*.’

After some other speeches, the question being put,
 that the farther consideration of the said bill be put
 off to that day three weeks, it was carried in the af-
 firmative, by 60 voices against 31.

May 1. The Commons taking into consideration
 those parts of the reports from the Committee of Se-
 crecy, which relate to *James Craggs* Esq; deceased,
 late Post-master General, Mr. *Robert Surman* was
 called in and examined; and being withdrawn, a
 letter from the said Mr. *Surman* to *Robert Knight*,
 Esq; dated the 18th of *January 1719*, was read.
 Then Mr. *Thomas Horne* was called in and examined;
 and a bill drawn by Mr. *Horne* upon the said Mr.
Craggs for 795 l. payable to Mr. *Robert Knight*, the
 6th of *February 1719*, was read. Mr. *Jacob Saw-*
bridge was also called in and examined; and a pro-
 missory note, written by Mr. *Robert Knight*, and
 which had been signed by the said Mr. *Sawbridge*,
 but was cancelled, (for transferring to Mr. *Robert*
Surman, or bearer, at demand, 30,000 l. *South-sea*
 stock, value received) dated the 6th of *February*,
 1719, was read. After which it was resolved,

1st, That it appears to the House, that *James Craggs*, Esq; late Post-master-General, did, in *February*, 1719. during the time that the propofals of the *South-sea* Company were depending in Parliamt, with a corrupt intention, apply to, and sollicite *Robert Knight*, late cashier of the said Company, for a large quantity of *South-sea* stock, to be held by the said Company for his own use and benefit.

2^{dly}, That it appears to this House, that on or about the 27th of *February*, 1719. a sum of 30000 *l.* capital stock of the *South-sea* Company, which had been taken in, and paid for out of the cash of the said Company, was, upon the sollicitation of the said *James Craggs*, held by the said Company for the use and benefit of the said *James Craggs*; which said 30000 *l.* stock was afterwards, on the 28th of *March*, 1720. transferred to the said *James Craggs*.

3^{dly}, That it appears to this House, that on the 4th of *March*, 1719. a farther sum of 10000 *l.* capital stock of the *South-sea* Company, was taken in and paid for out of the cash of the said Company, by the said *Robert Knight*, for the use and benefit of the said *James Craggs*.

4^{thly}, That it appears to this House, that the said *James Craggs* was a notorious accomplice and confederate with the said *Robert Knight*, and some of the late directors of the *South-sea* Company, in carrying on their corrupt and scandalous practices, and did, by his wicked influence, and for his own exorbitant gain, promote and encourage the pernicious execution of the late *South-sea* scheme.

5^{thly}, That all the estate real and personal, of which the said *James Craggs* was seized or possessed from and after the 1st day of *December*, 1719. (over and above what he stood seized or possessed of on the

the said 1st day of *December*) be applied for and towards the relief of the unhappy sufferers in the *South-sea* Company, and for deterring all persons from committing the like wicked practices for time to come.

6thly, That it be an instruction to the Committee of the whole House to whom the bills for the relief of the unhappy sufferers to the *South-sea* Company, and for restraining *John Aislaby*, Esq; from going out of this kingdom for the space of one year, &c. are committed, that they do receive a clause or clauses pursuant to the said resolutions. After this, the farther consideration of the report from the Committee of Secresy, was put off to that day sev'nnight, and the call of the House adjourned to Thursday the 4th of *May*.

May 2. The Commons, in a Committee of the whole House, took into consideration the public credit of this kingdom; and after reading the proceedings and resolutions of the general Court of the *South-sea* Company held the 23d of *December*, 1720. as also the resolutions of the general Court of the said Company held the 9th and 18th days of *March*, 1720. relating to the four money-subscriptions, Mr. *Sloper* opened the debate, and took notice, that one of the principal causes of the ruin of public credit, was the fraudulent dealing of the *South-sea* directors, with the proprietors of the redeemables, and other public debts, and with the money-subscribers. He was seconded by the master of the rolls, and backed by Mr. *Hutcheson* and the chancellor of the dutchy, who all concluded, that some relief ought to be given to the said subscribers. Mr. *Milner* was of the same opinion, and thereupon moved, that the seven millions due from the *South-sea* Company to the Government be remitted. This was strenuously opposed by Mr. *Smith*, who shewed how absurd it was, to pretend to retrieve public credit, by remitting,

that is, by taking from the public so great a sum, to give it to private persons: He owned, that they who had suffered by the fraud and mismanagement of the late *South-sea* Directors, were worthy objects of compassion; but that they ought to be relieved out of the estates of those who had occasioned their losses, and not out of the public money. This was answered by Mr. *Horatio Walpole*, who was for Mr. *Milner's* motion; as were also the Lord *Tyrconnel*, Mr. *Pulteney*, Mr. *Robert Walpole*, Colonel *Bladen*, and some others; and tho' they were opposed by Mr. *Shippen*, Serjeant *Pengelly*, and a few more, yet the question being put, about a quarter past eight in the evening upon Mr. *Milner's* motion, it was carried in the affirmative by 221 voices against 194.

The most remarkable passage in this day's debate, was Mr. *Shippen's* naming a great lady, who had a considerable quantity of *South-sea* stock given her; and afterwards telling a story of *Alice Pearce*, a celebrated mistress of King *Edward III*, who made a breach between the King and the black Prince, was twice removed from court, by the interposition and sollicitation of the then speaker of the house of Commons. This story being looked upon as implying an odious parallel, Colonel *Bladen* animadverted upon it with some warmth.

May 3. After the reading of the petitions of the city of *Lincoln*, borough of *Chipping Wycombe*, and borough of *Abingdon*, for justice, Mr. *Farrer* reported to the house the resolution of the day before, in a grand Committee about public credit, which occasioned a fresh debate from two till half an hour past six in the evening, when the court party finding that their opposers had the majority, consented, without dividing, that some amendments be made to the said resolution, which was agreed to as follows, viz.

That

That for the re-establishing of public credit, relief be given to the *South-sea* company, with regard to the payment of the 4,156,306 l. 4 s. 11 d. and the four and half year's purchase, and one year's purchase upon several annuities, and other national debts, the said company giving such consideration to the public, and such farther relief to the several proprietors and persons concerned in interest with the said company, as this house shall think proper.

Resolutions
of the Com-
mons con-
cerning
public
credit.

May, 6. Mr. Comptroller, by the King's command, laid before the house copies of several letters and papers relating to Mr. *Knight*, which were read; particularly a letter from Mr. *Leathes*, the *British* resident at *Brussels*, containing an account of the excuses and pretences made use of to elude his instances for the delivering up of the said *Knight*. Those excuses were thought so frivolous, that a motion was made for prohibiting the importation of all commodities of the growth and manufacture of the *Austrian Netherlands*, particularly lace and lawn, till such time as Mr. *Knight* had been delivered up and sent over: But it was thought more proper, that a Committee be appointed to consider of the state of the trade between this kingdom and the *Austrian Netherlands*, and to report the same, as it should appear to them, to the house; which Committee was appointed accordingly. The same day a motion was made, that it might be an instruction to the grand Committee on the bill for the relief of the unhappy sufferers, &c. that they should receive a clause, that the paternal estate of Mr. *Aislavie* might not be liable to the same forfeitures with the other part of his estate; but tho' this motion was strongly supported by three members, yet it was rejected with general indignation.

May 8. Sir *Joseph Jekyll*, master of the rolls, acquainted the house, that he was directed by the Committee of Secrecy to acquaint the house, of an application made to a member of the said Committee, relating to a matter depending before this house, and thereupon named the honourable General *Rosse*, as the gentleman to whom such application was made; whereupon General *Rosse*, acquainted the house that that morning, while he was at the said Committee, he received a note, that a gentleman was at the door to speak with him, and he went out, and found there *Thomas Vernon*, Esq; (a member of this house) who desired him to go into a little room near, whither he went; and Mr. *Vernon* acquainted him, that he had something to say to him, which he desired might go no farther; whereupon General *Rosse* told him, he hoped he had nothing to say to him which might be improper for him to hear; after which, Mr. *Vernon* told him, there was a disposition in the house to be favourable to Mr. *Aislaby*, in the bill upon which the house was to be in a Committee that day, and that it was in his power to do him service, and for the same, Mr. *Aislaby* would make him any acknowledgment, and in any manner he should think fit; upon which Mr. *Rosse* (from what he first said) concluding it was upon some corrupt matter, left him in a passion, and thought it his duty to acquaint the Committee of secrecy therewith, and the said Committee thought it was proper to have the matter laid before the house. To this matter Mr. *Vernon* was heard in his place, and owned the said words and circumstances; withal declaring, that he did not mention or intend any thing of money, or any other corrupt matter, and begged the pardon of the gentleman and of the house, if he had committed any offence, he saying the words without any corrupt intention, and only on account of friendship,

friendship, (being nearly related to Mr. *Aislaby*,) And then Mr. *Vernon* withdrew. Hereupon it was resolved, that it appears to this house, that *Thomas Vernon* Esq; (a member of this house) hath made a corrupt application to General *Rosse*, (a member of this house, and one of the Committee of secrecy) in relation to a matter depending before this house. 2dly, That the said *Thomas Vernon*, Esq; be (for his said offence expelled this house. It was also ordered, that the thanks of this house be given to General *Rosse*, for the justice he had done to this house and to his country, in laying the application made to him by *Thomas Vernon*, Esq; before this house. And Mr. Speaker gave him the thanks of the house accordingly. After this, the Commons, in a grand Committee, made some progress in the *bill for relief of the unhappy sufferers in the South-sea company*, &c. and added Mr. *Aislaby*'s name and estate.

May 12. The Commons in a grand Committee, considered farther of the state of the public credit, and Mr. *Yonge* opened the debate, and moved, that two of the seven millions due from the *South-sea* company to the government, might be applied towards reducing the public debt, and sinking some of the most heavy duties; and that the other five millions be remitted towards the relief of the sufferers by the *South-sea* scheme. Mr. *Pulteney* spoke on the same side, as did also the master of the rolls, and some others. But Mr. *Robert Walpole* warmly insisted for remitting the whole seven millions, and was seconded by the Lord *Barrington*, Mr. *Grey Nevil*, and Mr. *Tufnel*. On the other hand, Mr. *Smith* was of opinion, that no part of the seven millions ought to be remitted, but the whole applied towards the sinking the public debts. And the debate

having held out till near seven o' clock in the evening, the question was put, whether the whole seven millions should be remitted, and carried in the negative by a majority of 68 voices, *viz.* 206 against 138. After this it was agreed, that five millions only should be remitted.

May 13. After the reading of a petition of the borough of *Sudbury* in *Suffolk*, for the justice, the Commons in a grand Committee, made some progress in the *bill for the relief of the unhappy sufferers, &c.* The same day, a bill to subject the *states real and personal of Sir George Caswall, Kt. Jacob Sawbridge and Elias Turner, Esqrs. to make good to the South-sea company the sum of 250,000 l.* was presented to the house and received; and this bill was read the first time on the *15th.* Then the house was, according to order, called over, and the names of such members as made default to appear were noted down. And it was also ordered, that the house be called over again upon that day seven-night.

May 17. A bill to subject the *estates, real and personal, of Sir George Caswall, Kt. Jacob Sawbridge, and Elias Turner, Esqrs; to make good to the South-sea company the sum of 250,000 l.* was read a second time, and committed to a Committee of the whole house. After which, in a grand Committee, a farther progress was made in matter of the public credit of this kingdom.

May 18. It was order'd, that the grand Committee on the *bill for the relief of the unhappy sufferers, &c.* have power to receive a clause for disabling the late Sub-Governor, Deputy-Governor, Directors, Cashier, Deputy-Cashier, and Accountant of the *South-sea* company, and also *John Aislaby, Esq;* to hold or enjoy any office, or place of trust
or

or profit under his Majesty, or to sit or vote in either house of Parliament : After which a farther progress was made, in a grand committee, in the said bill.

May 22. Mr. *Clayton* acquainted the house, that the committee were preparing a draught of a report, relating to several members of both houses, mentioned in the account of stock sold, laid before this house, and relating to all other members of this house mentioned in any examination taken by the said committee, and desired the house to appoint a day for receiving such report : Whereupon it was ordered, that the said report be received upon that day fortnight : To which day the call of the house was adjourned, and ordered, that Mr. Speaker do write his circular letters, requiring the attendance of the members of this house upon that day, being the 5th of *June* next. Then the house took into farther consideration the report from the committee of secrecy of the 21st of *April* last, particularly in relation to *Edward Owen*, *Samuel Stroud*, and *Joseph Shaw* ; and then, in a committee of the whole house, made a farther progress on the consideration of the state of the public credit of this kingdom.

The next Day five petitions, of the county of *Derby*, borough of *East-Retford* in *Nottinghamshire*, of the borough of *Evesham* in *Worcestershire*, borough of *Newark upon Trent*, and borough of *Newbury* in *Berkshire*, for justice, were read, as was also a petition of the annuitants, and proprietors of the redeemable debts, setting forth, That they had lent a great part of their estates on the credit of several acts of Parliament for the public service ; and that they thought they had sufficient security ; but found themselves betrayed and given up by the managers appointed by their trustees, contrary to the true intent and meaning of the Law, and contrary to the faith of publick credit ; and begging the justice of
the

the house, for relief against the fraud of the late *South-sea* directors, as well as the great and notorious breach of trust in the managers. And that, in order to restore the public credit, the petitioners might have a just and reasonable satisfaction; and that their case be duly considered and distinguished from that of the money-subscribers, who had been excused nine parts in ten in the third subscription, and four parts in five in the fourth; and humbly hoping, that such relief might be granted them, as might be equal and proportionable to their different claims and titles; which petitions were ordered to lie on the table. After this it was ordered,

1st, That a Message be sent to the Lords, to put them in mind of the bill for the better establishing of publick credit, by preventing for the future the infamous practice of stock-jobbing.

2^{dly}, That Mr. *Hungerford* do go with the said Message to the Lords.

3^{dly}, That the Lord Mayor of the city of *London*, do lay before this house the names of such persons as are admitted to act as brokers within the city of *London*, and the liberties thereof, together with a copy of the security given by the brokers at the time of their admission, and also a copy of the oath taken by them.

Then, in a grand committee, a farther progress was made in the *bill for the relief of the unhappy sufferers in the South-sea company*; and the chief matter in debate was, what allowance should be given to the late directors out of their estates? Mr. *Lownds* proposed an eighth part; to which it was objected, that it would be too much for some who had the most bulky estates, and consequently had been deepest in the guilt; and too little for others that had but small

small estates, and were only passively criminal, by not entering their dissent to the fraudulent management of the rest. Then it was proposed, whether to allow them according to the bulk of their estates, or in proportion to their share in the guilt? But after some speeches on both sides, it was thought proper to put off that matter to the 25th.

On the 24th of *May*, the Commons went into a grand committee upon the state of the public credit, and took into consideration that part of the report of the committee of secrecy, relating to the money borrowed of the *South-sea* company on stock and subscriptions. The main question was, whether the borrowers should be obliged to repay the money, or only lose the stock and subscriptions, on which they had borrowed to the company? Which occasioned a warm debate, that lasted till about eight o'clock in the evening, when a *Scotch* member having moved for the question, and the same being put as follows :

That the stock and subscriptions that were pawn'd for money borrowed, be secured to the *South-sea* company, and the debt discharged,

It was carried in the negative, by a majority of 211 voices against 46.

May 25. The Commons, in a grand committee on the sufferers bill, resumed the consideration of the petitions of the late directors of the *South-sea* company ; and after debating the merits of each, made allowances to them according to the list, in *page 63*.

June 9. Mr. *Farrer* reported from the committee of the whole house, to whom it was referred to consider of the state of the public credit of this kingdom, the resolutions they had directed him to report to the house, which he read in his place, and afterwards

wards delivered in at the table, where the said resolutions were read, and are as follow, *viz.*

Resolutions
of the Com-
mons for re-
establishing
the public
credit.

1. That it is the opinion of this committee, that, for the re-establishing of public credit, and quieting the minds of his Majesty's subjects, the several properties and interests now depending and concerned with the *South-sea* company, be ascertained and settled.

2. That in order to put an end to all disputes between the *South-sea* company, and the proprietors of the redeemable funds subscribed into the said company, and for the farther relief of the said proprietors, and the proprietors of the second, third, and fourth money-subscriptions, who have now stock, allowed them at the rate of 400 *per Cent.* with the last *Midsummer* dividend of 10 *per Cent.* in stock, an addition after the rate of 33 *l.* 6 *s.* 8 *d.* stock upon every 100 *l.* stock already allowed, be given by the *South-sea* company to the proprietors of the said redeemable funds, and to the proprietors of the second, third, and fourth money-subscriptions.

3. That the sum of 4,156,341 *l.* with the four years and half, and one year's purchase, payable to the public by the *South-sea* company, be remitted, so as from the 24th of *June*, 1722, two millions of the capital stock of the said company be reduced and annihilated, and a proportionable part of their annuity or yearly fund, in respect of the said two millions, from that time, cease.

4. That the second subscription of the irredeemables, as well the long annuities, as the annuities of 9 *per Cent.* prize lottery tickets, and blank lottery tickets, be made equal to the first subscription of the like annuities, and tickets, by an addition of stock at 150 *l.* *per Cent.*

5. That

5. That all the capital *South-sea* stock belonging to the company in their own right, which, after the proposed distribution made, shall remain undisposed of, be divided among all the proprietors of the said company, in proportion to their several and respective interests therein ; and that credit be given them for the same in the books of the said company.

6. That all demands for money borrowed of the *South-sea* company, for which there is actually pledged stock after the rate of 400 *l.* or under, for each 100 *l.* stock, with the last *Midsummer* dividend, or on subscription receipts after the rate of 300 *l.* or under, for each subscription receipt for 100 *l.* be discharged, and the property of the said stock and subscription receipts be absolutely vested in the said company ; and that the said company do accept the stock of the said company, after the rate of 300 *l. per Cent.* in repayment of any sum or sums of money borrowed of the said company, on stock or subscription receipts, at any price exceeding the rates aforesaid, the same being tendered within a time to be limited.

The first and second of these resolutions were readily agreed to : The third occasioned a long debate ; many members, particularly Mr. *Hungerford*, and most of the courtiers, insisting to have the whole seven millions remitted ; but they were opposed by Mr. *Sloper*, and several others, and upon a division it was carried by 166 voices against 155, to agree with the committee in the said resolution. The fourth and fifth were also approved without opposition ; but the sixth occasioned another warm debate ; and among the rest, Mr. *Docminique* said, with just indignation, *He wondered any body that had borrowed money and refused to pay it, could look any man in the face.* Another member proposed, that the borrowers should pay 10 *per Cent.* on all the money borrowed, over and above the stock pawned ; but it was at last resolved

resolved, that the said sixth resolution be recommit-
ted.

June 10. After the dispatch of some affairs of less importance, the Commons, in a committee of the whole house, considered farther of the *South-sea* sufferers bill, particularly with relation to the allowances to be given to Mr. *Grigsby* and Mr. *Aislabye*. Mr. *Arthur Moor* moved to allow the first 10000 *l.* but another member said, ‘ That since that upstart
‘ was once so prodigally vain, as to bid his coachman
‘ feed his horses with gold, no doubt but he could
‘ feed on it himself; and therefore he moved, that
‘ he might be allowed as much gold as he could eat,
‘ and that the rest of his estate might go towards
‘ the relief of the sufferers.’ After some other speeches, a motion was made for allowing him 2000 *l.* which was carried without a division.

Mr. *Aislabye*’s case came next under consideration; Mr. *Robert Walpole*, who spoke first, moved, that so much of his estate might be allowed him, as he was possessed of towards the end of the year 1719, before the *South-sea* bill was brought in, and this motion was back’d by Mr. *Earl*, Sir *Charles Hotham*, Mr. *Lowndes*, Mr. *Lechmere*, Mr. *Ward*, Mr. *Palmer*, and some others. On the other hand, Mr. *Freeman*, mov’d, that all he had got since the year 1714, might be confiscated and applied to the use of the public; and he was supported by Sir *Joseph Jekyll*, who urg’d, That it was in the power of the Lords of the Treasury to have prevented the mischief that had been done by the directors. Mr. *Broderick*, Mr. *Sloper*, Sir *William Wyndham*, and some others, spoke on the same side with so much weight, that the question being put, that all the estate which Mr. *Aislabye* was possessed of in the year 1719, be left for him and his family; the same, upon a division, was carried in the negative by a majority of 18 voices. Then another motion was made, and the question put, for
allowing

allowing him and his family all the estate he was possessed of on the 20th of *October* 1718, which was carryed in the affirmative by a majority of 113 voices against 95. Here follows a compleat and exact balance of the estates of the late sub-governor, deputy-governor, &c. of the *South-sea* company, as delivered upon oath to the Barons of the *Exchequer*; together with the allowances out of each, thought proper by the grand Committee of the honourable house of Commons, to be made to each person respectively.

Persons.	Estates.				Allowances.		
	l.	s.	d.	q.	l.	s.	d.
Sir John Fellows, } Sub-Governor — }	243096	00	06		10000	00	0
Charles Joy, Esq; } Deputy-Governor }	40105	02	00		5000	00	0
Mr. Astell ———	27750	19	08 $\frac{3}{4}$		5000	00	0
Sir John Blunt ———	183349	10	08 $\frac{3}{4}$		1000	00	0
Sir Lambert Blackwell	83529	17	11		10000	00	0
Sir Robert Chaplin —	45875	14	05		10000	00	0
Sir William Chapman	39161	06	08 $\frac{1}{2}$		10000	00	0
Mr. Chester ———	140372	15	06		10000	00	0
Mr. Child ———	52437	19	01		10000	00	0
Mr. Delaport ———	17151	04	06		10000	00	0
Mr. Eyles ———	34329	16	07		20000	00	0
Mr. Edmondson ———	5365	00	00		3000	00	0
Mr. Gibbon ———	106543	05	06		10000	00	0
Mr. Gore ———	38936	15	05		20000	00	0
Mr. Hawes ———	40031	00	02 $\frac{1}{4}$		31	00	0
Sir William Hammond	22707	04	02		10000	00	0
Mr. Horsey ———	19962	05	03		10000	00	0
Mr. Holditch ———	39527	10	04		5000	00	0
Sir Theodore Janssen	243244	03	11		50000	00	0
Sir Jacob Jacobson	11481	04	00		11000	00	0
Mr. Ingram ———	16795	00	00		12000	00	0
Sir John Lambert —	72508	01	05		5000	00	0
Sir Harcourt Master	11814	12	03 $\frac{1}{2}$		5000	00	0
					Mr. Mor-		

Persons.	Estates.				Allowances.		
	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>q.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
Mr. Morley ———	1869	10	03		1800	00	0
Mr. Page ———	34817	12	03	$\frac{1}{4}$	10000	00	0
Mr. Raymond ———	64373	06	03		30000	00	0
Mr. Read ———	117297	16	00		10000	00	0
Mr. Reynolds ———	18368	13	02	$\frac{1}{4}$	14000	00	0
Mr. Sawbridge ———	77254	01	08		5000	00	0
Mr. Tillard ———	19175	14	04		15000	00	0
Mr. Turner ———	881	17	06		800	00	0
Mr. Surman, De- puty-Cashier — }	121321	10	00		5000	00	0

June 12. The Commons, in a grand Committee, consider'd farther of the state of the public credit, and came to several resolutions, which being the next day reported by Mr. Farrer, were agreed to by the House, as follows, *viz.*

Resolutions
of the Com-
mons con-
cerning pub-
lic credit.

1. That such persons as have borrowed money from the *South-sea* Company upon *South-sea* stock, actually transferred and pledged at the time of borrowing, to or for the use of the said Company, shall, upon payment of 10 *per Cent.* upon the respective sums so borrowed, at a time or times to be limited, and not otherwise, be discharged from all farther demands of the said Company, in respect of the monies so borrowed; and that all the stock so transferred and pledged, together with all dividends and profits thereto belonging respectively, be absolutely vested in the said Company.

2. That such persons as have borrowed money from the *South-sea* Company upon subscription-receipts, actually pledged to the said Company at the time of borrowing, shall, upon payment of 10 *per Cent.* upon the respective sums so borrowed, at a time or times to be limited, and not otherwise, be discharged of all farther demands in respect of the money

ney so borrowed; and that all the subscription receipts so pledged, together with all dividends and profits thereunto belonging, be absolutely vested in the said Company.

The same day (*June 13*) Mr. Broderick, from the Committee of Secrecy, acquainted the House, that they had considered and gone through all the matters to them referred, and had prepared a farther report, which they were ready to make, when the House would please to receive the same; whereupon it was ordered, that the said report be received upon Friday morning next.

June 15. A bill was ordered to be brought in *For appointing commissioners to examine, state, and determine the debts due to the army*: And then several clauses having been ordered to be inserted in the malt-bill, the commons in a grand Committee, went through the same, and made several amendments thereto.

June 16. Mr. Comptroller delivered to the Commons the following message from his Majesty, viz.

G E O R G E R.

HIS Majesty having taken the first opportunity, upon the Death of the late King of Sweden, to renew the antient alliances between this kingdom and Sweden, and having stipulated by a treaty to pay a subsidy to that Crown, hath ordered that treaty to be laid before the House of Commons, and hopes, from their known zeal and affection to the Protestant Religion, and the true interest of their country, that they will enable him to make good the engagements he has entered into upon this occasion.

The King's message concerning the subsidy to Sweden.

His Majesty being informed that two ships, called the Bristol Merchant and Turkey Merchant (now lying under quarentine) did arrive from Cyprus, and other

parts of Turkey, infected with the plague, and have cotton-wool and other goods on board, which are dangerous to spread the infection; and conceiving it necessary, for the preservation of the health of his subjects, that the said ships and their ladings be burnt and destroyed, and that a reasonable satisfaction be given to the owners, hath, by advice of his Privy-Council, caused the value thereof to be computed by his Majesty's officers, and ordered those computations to be laid before the House of Commons, that provision may be made for satisfying the same.

Most of the members, who expected a message of another nature, and that they were to be acquainted with the near prospect of a peace in the *North*, were not a little surprized at this demand of a subsidy for *Sweden*: Hereupon, the consideration of the said message was put off to the next day; and Mr. Comptroller having (with the said message) delivered in several papers, with a schedule of them, the said schedule was read as followeth: A copy of the treaty between *Great-Britain* and *Sweden*, and translation: A copy of the separate articles of the said treaty and translation, 1719-20, *January 21*. Whereupon it was ordered, That the said papers do lie upon the table, to be perused by the members of the House. Then Mr. Broderick (according to order) made the farther report from the Committee of Secrecy, and read the same in his place, and afterwards delivered the report in at the table, where the same was read, and ordered to be taken into consideration on the *Wednesday* next following.

June 17. A bill for appointing Commissioners to examine, state, and determine the debts due to the army, was presented to the House, received, read the first time, and ordered to be read a second: And after the consideration of the report from the Committee of Secrecy of the 5th instant had been put off for a fort-

fortnight, the House proceeded to consider the King's message of the day before, which was again read by Mr. Speaker. The copy of the treaty between *Great-Britain* and *Sweden*, *January 21, 1719-20.* and of its separate articles, were also read: And a motion being made, That a supply be granted to his Majesty, to make good the engagements he had entered into with the Crown of *Sweden*; and to give a reasonable satisfaction to the owners of the ships called the *Bristol Merchant*, and *Turkey Merchant*, in case it were found necessary for the preservation of the health of his Majesty's subjects, that the said ships and their loadings should be burnt and destroyed. This motion occasioned a long debate, and very warm speeches. Mr. Shippen, Sir *William Wyndham*, Sir *Joseph Jekyll*, the Lord *Molesworth*, Mr. *Butler*, and some others who were against the motion, desir'd to know, ' Whether we were to give ' 72000*l.* to *Sweden*, besides the maintaining a great ' fleet with 6000 seamen in the *Baltick*, which they ' thought a sufficient charge to the nation, without ' paying so great a subsidy? Urging, That before ' this last treaty with *Sweden*, there had been a rupture between the two nations, and hostilities, and ' great depredations committed by the *Swedish* privateers on our merchants; so that before any subsidy ' be given to that crown, accounts ought first to be ' stated and settled, and it might appear upon the ' balance, that *Sweden* is indebted to us.' To this it was answered, by Mr. *Robert Walpole*, and his brother the Chancellor of the Dutchy, the Lord *Barrington*, and some other courtiers, ' That the ' subsidy allowed to *Sweden* by this last treaty, and ' the squadron sent to their assistance, was no more ' than had been stipulated by former engagements; ' but that the said subsidy was not like to be demanded any more, the preliminaries of the peace ' between the Czar of *Muscovy* and the Crown of ' *Sweden*, being in a manner settled. Neither did the

A debate
concerning
the King's
message.

‘ King desire any new tax for it, the land and malt-
 ‘ tax being sufficient to answer all this year’s expen-
 ‘ ces.’ Mr. Chancellor of the *Exchequer* added,
 ‘ That he was extreme glad, he could at the same
 ‘ time acquaint the House, that his Majesty’s endea-
 ‘ vours to procure a general peace, had been so suc-
 ‘ cessful, that an advantageous treaty with *Spain* was
 ‘ actually agreed on and sign’d.’ Hereupon the
 motion for a supply being carried without a division,
 the next question was, that the House go into a
 Committee to consider of that motion. The oppo-
 sers party would fain have put it off to a long day;
 but the courtiers having moved for the 19th, it was
 carried without dividing.

Accordingly on the 19th of *June*, after the se-
 cond reading of the *Bill for appointing Commissioners to*
state and determine the debts due to the army, and the
 adjourning of the call of the House to that day seven-
 night, the Commons went into a Committee of the
 whole House to consider of the motion for a supply;
 and at the same time took into consideration both his
 Majesty’s message, and the late treaty with *Sweden*,
 upon which there arose a warm debate. Sir *William*
Wyndham declared himself, as he had done before, a-
 gainst the subsidy to *Sweden*, as an unnecessary charge;
 and the Lord *Molesworth* went to the bottom of, and
 laid open the whole affair of the *Northern* war. His
 Lordship said, among other things, ‘ That he would
 ‘ go as far as any man to maintain and support the
 ‘ honour and dignity of the Crown of *Great-Britain*;
 ‘ but that on the other hand, he was not for squan-
 ‘ dering away unnecessarily the small remainder of
 ‘ the wealth of the nation. That by our late conduct
 ‘ we are become the allies of the whole world, and
 ‘ the bubbles of all our allies: But when we have oc-
 ‘ casion for our allies, we are obliged to pay them
 ‘ well;’ and to that purpose his Lordship instanced in
 the *Dutch* troops that came over to our assistance in
 the late rebellion. He added, ‘ That as to our al-
 ‘ liances

Lord Moles-
 worth’s
 speech.

‘ liances with *Sweden*, it was a matter of great intri-
‘ cacy and nicety ; because the treaties which *Eng-*
‘ *land* has, in divers times, made with *Sweden* are,
‘ partly, contradictory ;’ and thereupon his Lord-
ship enter’d into a curious detail of the treaties of
Roschild and *Travendall*, made in the reigns of King
Charles II. and *William III.* ‘ That the engagements
‘ lately enter’d into with the Crown of *Sweden* were
‘ likewise, in some measure, contrary to the treaties
‘ subsisting with *Denmark* ; particularly as to the se-
‘ curing to the Duke of *Holstein* the Dutchy of *Sles-*
‘ *wick* ; and directly opposite to the measures for-
‘ merly concerted with the Czar of *Muscovy*, in order
‘ to engage him to check the fierceness and ambition
‘ of the late King of *Sweden*. That, after all, it
‘ seemed unreasonable to expect that the Czar should
‘ restore his conquests, whilst other Princes kept the
‘ spoils of *Sweden* : And therefore, in order to en-
‘ gage the Czar to yield what he had gained, it were
‘ but just that the King of *Prussia* should give up
‘ *Stetin*, and the Elector of *Hanover Bremen* and
‘ *Wreden*. His Lordship own’d, that the distressed
‘ condition to which the *Swedes* had been reduced,
‘ was really worthy of compassion : But that, on the
‘ other hand, it must be consider’d, that they had
‘ been, in a great measure, the authors of their own
‘ misfortunes, by their tame submission to a despotic
‘ tyrannical prince, and by sacrificing their whole
‘ substance to enable him to carry on his unjust, rash,
‘ and ambitious designs ; and that any nation who
‘ followed their example deserved the same fate. To
‘ this purpose, his Lordship took notice of the hard
‘ usage of the subjects of *Mecklenburgh* from their
‘ Prince, which by the bye, he shrewdly insinuated
‘ to have been one of the causes of the late rupture
‘ with the Czar ; but that after all, *England* ought
‘ not to intermeddle with the affairs of the empire ;
‘ that the getting naval stores for our shipping was
‘ the main advantage we reaped from our trading in

‘ the *Baltick*: And he owned that hemp was a
 ‘ very necessary commodity, particularly at this
 ‘ juncture, (which put the house in a merry hu-
 ‘ mour) but that in his Lordship’s opinion, if due
 ‘ encouragement were given to some of our plan-
 ‘ tations in *America*, we might be supplied from
 ‘ thence at a much cheaper rate than from *Sweden*
 ‘ or *Norway*.’ Mr. *Robert Walpole*, and his bro-
 ther *Horatio*, answered the Lord *Molesworth*; who
 being supported by the Master of the rolls, the Chan-
 cellor of the dutchy, replied to the latter; and after
 some other speeches, the question being put, that a
 supply be granted to his Majesty, to enable him to
 make good the engagements he has entred into with
 the crown of *Sweden*? It was, upon a division, car-
 ried in the affirmative by a majority of 197 voices
 against 136. Then another question being put,
 that a supply be granted to his Majesty to be ap-
 plied to the satisfaction of the masters, owners, and
 freighters of the ships *Bristol-Merchant*, and *Turkey-*
Merchant, which are intended to be burnt and destroy-
 ed for the preservation of his Majesty’s subjects against
 infection? it was carried without any opposition.

June 21. The Commons, in a grand Com-
 mittee, considered of the supply, and resolved to
 grant to his Majesty,

First, A sum not exceeding 72000 *l.* to enable
 him to make good the engagements he had entred
 into with the crown of *Sweden*.

Secondly, A sum not exceeding 23935 *l.* to be
 applied to the satisfaction of the owners of the two
 ships, which were to be burnt and destroyed for the
 preservation of his Majesty’s subjects against in-
 fection.

June 26. Mr. *Clayton* reported the amendments
 made in a grand Committee to the sufferers bill,
 one

one of which being disagreed to, Sir *Thomas Cross* moved, that the consideration of it might be put off till the *Wednesday* next following. This motion was seconded by Mr. *Rudge*, Deputy-Governor of the *South-sea* company, and thirded by Mr. *Freeman*, who suggested, ‘ That it would be
 ‘ more advantageous to mulct the late directors in
 ‘ a round sum of money, to be levied among them-
 ‘ selves, than to confiscate their estates, and put
 ‘ them in the hands of trustees: That by the for-
 ‘ mer method, 12 or 1500,000 *l.* might be raised
 ‘ by the lump, which was more than could be got
 ‘ the other way, and with less trouble and charge.’ But the house not seeming to relish the motion, it was dropt, and agreed to consider the report immediately.

The house hereupon began with the preamble of the bill, in relation to which, two points were strenuously debated: The first was, that the words seven millions and upwards, should be altered into these words, an immense sum: Which was moved by Mr. *Robert Walpole*, and supported by the Chancellor of the dutchy, and Mr. *Hungerford*; but being opposed by Sir *Joseph Jekyll*, and some other members, it was carried without dividing, that the words seven millions and upwards should stand.

The next point was in relation to Mr. *Aislaby*, who in the preamble of the bill is charged with breach of the great trust in him reposed, and that with a view to his own exorbitant profit, he had combined with the late directors of the *South-sea* company, in their pernicious practices, and had been guilty of most dangerous and infamous corruptions, &c. with other allegations that are made the ground of his punishment, in the enacting part. Mr. *Giles Earle* moved, that these hard epithets might either be left out, or at least softened; urging, among other reasons, that the

same would leave an indelible blot upon his son, a worthy Gentleman, and a member of that house, and his family, to whom the house had thought fit to allow a considerable estate. Mr. Grey Neville spoke yet more at large in favour of Mr. Aislabye, urging most of the arguments contained in a speech upon the consolidated bill; and in particular, that the allegations or facts charged upon Mr. Aislabye, were not supported by sufficient evidence.

It will be proper in this place to insert the said speech on the consolidated bill; in which are contained most of the arguments made use of in behalf of Mr. Aislabye. The said speech is as follows:

S I R,

A speech in the house of Commons against the consolidating bill.

THE charge in the bill before us against the honourable person, who is the subject of this debate, consists of these two articles: *Breach of trust, and corruption.*

The breach of trust is grounded upon the 8th, 9th, and 10th resolutions of this house, upon which the bill was ordered to be brought in. These articles contain the several accusations of his having been privy to the loan of the *Exchequer* bills upon stock; his advising or approving the first money-subscription at 300 l. per cent. his encouraging the third money-subscription by sending in a list.

I shall not enter into any dispute, whether these facts can be proved or not; but taking them for granted, I am extremely at a loss to find any breach of trust in the Chancellor of the *Exchequer*, for having had any share in those matters.

Does the act of Parliament direct the Treasury to take care in what manner the company employed the *Exchequer* bills? — There is not one word in the act relating to it,

Does

‘ Does the act direct the Treasury to take care
‘ what subscription the company took in, and at
‘ what rates? If the act had reposed such a trust in
‘ the Treasury, this honourable person, and every
‘ other Officer in it, would have been highly to
‘ blame, if they had not kept a watchful eye up-
‘ on the company in these transactions: But if the
‘ act leaves these matters entirely to the manage-
‘ ment of the company, whose concern alone it
‘ was; where can the breach of trust be in the
‘ Treasury?

‘ The directors and the company acted under
‘ the authority of an act of Parliament: has any
‘ body ever heard, that a Chancellor of the *Ex-*
‘ *chequer*, or the Lords of the Treasury, or a Lord
‘ High-Treasurer, had power to controul or dis-
‘ pense with, or give directions contrary to an act
‘ of Parliament?

‘ If any body had a power to controul them, we
‘ had, and we alone, I mean the whole Parlia-
‘ ment then sitting: The *Exchequer* bills were is-
‘ sued and lent by the company, and the first and
‘ second subscriptions taken in, long before the
‘ house rose: We saw what they were doing, did
‘ we find fault with it? No, quite contrary; we
‘ approved of the two first subscriptions by ano-
‘ ther act of Parliament, even in the same sessions;
‘ and is this honourable person now to be punish-
‘ ed in a most severe manner for what the direc-
‘ tors did, by virtue of a Law of our making, and
‘ confirmed by another law after those matters
‘ were over; if there was any breach of trust any
‘ where, it was certainly in us, who alone had the
‘ power of putting a stop to any pernicious prac-
‘ tices of the directors, whilst we ourselves were
‘ sitting.

‘ But, Sir, we were not to blame for not hav-
‘ ing obstructed what they did at that time, nor
‘ was

' was the treasury to blame, or were the direc-
 ' tors themselves to blame, or guilty of any breach
 ' of trust on these accounts; the taking in sub-
 ' scriptions and the raising their stock, was law-
 ' ful in it self, and absolutely necessary to execute
 ' the scheme, from which the public was to reap
 ' so great advantage: But the breach of trust, the
 ' pernicious practices from whence all these cala-
 ' mities have flowed, were the making use of the
 ' many millions of money that they had got, only
 ' to raise their stock to an imaginary height, by
 ' lending it out to gamesters and favourites, and
 ' even without any reasonable security at all. They
 ' who advised and encouraged these practices, have
 ' been the directors in their own wrong, and to
 ' the manifest wrong of many thousands of fa-
 ' milies.

' But upon this head this honourable person is
 ' not accused by any body whatever.

' The second accusation in this bill brought
 ' against him, is the charge of corruption, which
 ' is grounded upon the resolution that declares
 ' Mr. *Knight* held 20,000 *l.* *South-sea* stock for
 ' this honourable person, whilst this bill was de-
 ' pending, without any money paid, or security
 ' given for the same.

' As for this article, I must own I am under
 ' great concern for the dignity of this house; it is
 ' certain that the zeal which has been shewn to
 ' do justice upon offenders, and to relieve unhap-
 ' py sufferers, is very commendable; but whether
 ' that zeal has not carried us something too far in
 ' this matter, I confess I very much fear: It is not
 ' to be expected, that when this honourable per-
 ' son made his defence, what he said in his own
 ' justification could be perfectly understood, espe-
 ' cially on this head, it being the result of several
 ' accounts, which very few people can carry along
 ' with them in a debate: I must own I was not
 ' capable

‘ capable of doing it, and I could not help being
‘ extremely surprized to find, when that matter
‘ came to be stated in the votes, that by those
‘ very resolutions upon which this honourable
‘ person was condemned, his innocence of this
‘ crime is as clear as it is possible to make it.
‘ This I believe every one, though ever so preju-
‘ diced, must be satisfied of, that takes but the
‘ pains of considering two or three of the reso-
‘ lutions together.

‘ By the first resolution we declare, *Mr. Knight*
‘ bought in *December 1719*, 22,000 *l. South-sea*
‘ stock for this honourable person, who paid him,
‘ as appears by the same account, 27,800 *l.* for it.

‘ By the third resolution we declare, *Mr. Knight*,
‘ in *February 1719*, by the hand of *Surman*, and
‘ the broker, sold 20,000 *l.* of the same *South-sea*
‘ stock at 130 *l. per cent.* for the use and benefit of
‘ *Mr. Aislaby*; so that then *Mr. Knight* had
‘ 26000 *l.* of *Mr. Aislaby*’s money in his hands,
‘ and likewise the remaining 2000 *l. South-sea*
‘ stock, mentioned in the first resolution, which at
‘ 175, the then market-price, was worth 3500 *l.*
‘ both sums together making 29,500 *l.* which sum
‘ was certainly a sufficient security for the 35000 *l.*
‘ paid by *Mr. Knight* on the 4th of *March* fol-
‘ lowing, for the 20,000 *l. South-sea* stock, re-
‘ maining in his hands, till the honourable person
‘ paid him the rest of the money, about 6000 *l.*

‘ There could not possibly be any accident by
‘ fall of the stock, that could render this a bad
‘ security. But it is very well known, that this
‘ was not all that the honourable person proved
‘ *Mr. Knight* had in his hands, at the time he paid
‘ for this 20,000 *l. South-sea* stock. *Mr. Surman*
‘ proved at the bar of the house, that *Mr. Knight*
‘ had 10,000 *l. East-India* stock belonging to the
‘ honourable person at that time, which *Weymond-*
‘ *sold* proved he bought for him, 9000 *l.* of which
‘ *Mr.*

‘ Mr. Surman fold on the 9th of March for
 ‘ 18,900 l. the whole at that time, being worth
 ‘ 21,000 l. But, Sir, I have for my information
 ‘ stated all these matters together in a regular
 ‘ manner, and I will beg leave to read it to you
 ‘ Gentlemen, that if I am mistaken in any point,
 ‘ I may be set right.

*The state of Mr. Aislavie's account with Mr. Knight,
 upon the votes of the house of Commons, and Mr.
 Surman's evidence given at the bar, March 8,
 1720.*

ROBERT KNIGHT		Dr.	
		l.	s.
1719			
Decemb.	To cash, paid him in Bank notes — — —	27,800	00
Feb. 12.	To 20,000 l. South-sea stock fold by Weymondfold at 130	26,000	00
	To 2000 l. South-sea stock remaining in his hands at 175 — — —	3,500	00
Mar. 9.	To 9000 l. East-India stock fold by Surman and Wey- mondfold, at 210 — — —	18,900	00
	To 1000 l. East-India stock re- maining in his hands at 210	2,100	00
		78,300	00

		Cr.	
		l.	s.
1719.			
Decemb.	By 22,000 l. South-sea stock bought by Strode at feve- ral prices — — —	27,800	00
Mar. 4.	By 20,000 l. South-sea stock bought by Weymondfold at several prices — — —	35,357	10
	By ballance due to J. A. — — —	15,142	10
		78,300	00
			‘ By

‘ By this account it appears, Sir, as plain as figures can make it, that Mr. *Knight* paid for this stock with this Gentleman’s money, and had at that time, or in a few days after, a balance over and above in his hands, due to the honourable person, above 15,000 l.

‘ But, Sir, there is still another evidence upon our votes, which is stronger, if possible, than this, and which convinced me more that this stock was bought with this Gentleman’s own money; and that he alone was to run all the hazard relating to it, than any living evidence whatever that could be given about it: I mean the letter by which the honourable person ordered Mr. *Weymond* to buy this stock for him; which order is mentioned in our fourth resolution, and the letter itself is upon your table: This letter was undoubtedly writ before this inquiry could be thought of; this letter was writ by a great Officer to a common broker. At that time, certainly there could be no occasion of any art or management betwixt these two persons on this account. If any thing can give us the clearest light into this transaction, it must be this letter: Give me leave to read it.

S I R,

‘ I Received yours, and did not write to Mr. *Knight* as you fancied, but, left it all to you; if you can make it up 20,000 l. I would stop there, since it has risen upon us so fast. I am yours,

Mar. 1. 1719.

J. A.

‘ P. S. I will desire Mr. *Knight* to pay you the money.

‘ By this evidence, produced by the secret Committee against the honourable person, it plainly appears

‘ appears to be his stock ; and by this letter he is
‘ laid under an obligation to accept and pay for it,
‘ whether it had risen or fallen ; and this is law,
‘ and this is practice. In the next place, it proves
‘ it to be the Gentleman’s own money, and not
‘ the company’s ; because he restrains the broker
‘ from buying more, because the stock rose so fast,
‘ which is not a reason to be given, if the com-
‘ pany had been to run the risque, and not the ho-
‘ nourable Gentleman, but the contrary. But
‘ what is more convincing that it was not done in
‘ concert with Mr. *Knight*, is, that the honourable
‘ person says, *He did not write to Knight, as he*
‘ *fancied, but left it all to Weymondfold.*

‘ Thus, Sir, it is plain, that unless we unvote
‘ what we voted *nemine contradicente* in our first
‘ resolution, and what we voted in the third reso-
‘ lution, and unless we disprove this letter just
‘ mentioned, and unless Mr. *Surman* were in the
‘ castle of *Antwerp*, it will be impossible for us to
‘ go about to make good this charge of corrup-
‘ tion against the honourable person ; but every ac-
‘ count, every circumstance, every evidence we
‘ shall produce against him, will be very strongly
‘ for him.

‘ Therefore, I hope, Gentlemen will consider
‘ what they are going to do. I am satisfied, in
‘ the present temper people are, ever step we shall
‘ take towards the relief of the unhappy sufferers,
‘ will be applauded by thousands and ten thou-
‘ sands ; but in a little time the fury will certainly
‘ abate, when we have done all we can for them,
‘ and, perhaps, that all not satisfy many.

‘ It behoves us to carry our views forward, and
‘ to consider how we shall look our country in the
‘ face if we cannot justify our actions, when they
‘ shall come to be considered calmly. And who,
‘ indeed, will be able to justify the destroying a
‘ Gentleman’s reputation, and tearing his estate
‘ from

‘ from him, and putting him under the most cruel torture, the severest penalties and incapacities, not only without evidence of the crimes laid to his charge, but contrary to the strongest evidence of his innocence.

‘ Are we to take away a man’s reputation and estate for a breach of trust in matters that were not in any manner committed to his care; for confederating with people who all deny they ever communicated their counsels or measures to him in any of their unwarrantable practices? For corruption, when by our own state of the case there is no appearance of corruption in that transaction, but quite the contrary?

‘ This would not be punishment, but cruelty; it would not be restitution, but, in my opinion, downright robbery. This would be an act of violence and tyranny unheard of in any *British* Parliament. And as the thing itself is unheard-of and unprecedented, so is the manner of coming at it. Whoever heard of a bill of attainder (enacting all the punishments that can be inflicted except loss of life and limb) tacked to another bill? Neither is it a single tack, but a chain of bills linked together, of the condemned and accused, of the dead and the living: But I will confine myself to the Person whose case is now in question; and pray let us see how that case stands.

‘ First, a bill is ordered to be brought in against that honourable person, to prevent him from going out of the kingdom and alienating his estate, that both his person and his fortune may be liable to parliamentary justice, if he should be found guilty of the crimes laid to his charge. This bill is read twice, and then ordered to be committed: Upon the motion for commitment, some gentlemen are apprehensive, that this bill, singly by itself, may chance not to pass the house
‘ of

‘ of Lords: to prevent any such accident, the
‘ Committee is directed to consolidate this bill,
‘ (which as I have already said, is a bill in order to
‘ bring a man to trial) with a bill to punish thirty
‘ five persons already convicted of great offences,
‘ by two several acts of Parliament.

‘ Is this all? No. As some gentlemen were
‘ jealous that the Lords would not pass this bill
‘ singly, which was to make the honourable per-
‘ son to discover his estate; other gentlemen were
‘ as doubtful whether matters might not take such
‘ a turn, and circumstances be so much altered,
‘ that in another session the Lords might be as
‘ unwilling to take his estate away when discover-
‘ ed; and therefore as nothing is like the present
‘ time for doing of business, and all delays are
‘ dangerous in things of this nature, by another
‘ instruction to the said Committee, the honour-
‘ able person’s estate is to be confiscated; and lest
‘ it should meet with great difficulties elsewhere, as
‘ has been already observed, this punishment is to
‘ be tacked to the former punishment, which was
‘ before tacked to the bill against the directors.

‘ Any body would imagine that here certainly
‘ would be an end; but——no. Why, what
‘ can be done next? What, is he to be hanged? In-
‘ deed hanging would have been a very safe way
‘ of working, and would have effectually prevent-
‘ ed this gentleman, who is known to have some
‘ talents, from making use of them at any time
‘ hereafter against those, who he may imagine have
‘ dealt very hardly by him; but something else is
‘ proposed that answers just the same purpose, and
‘ that is, a disability in the honourable person from
‘ receiving any favour from the crown, and from
‘ sitting or voting in either house of Parliament.
‘ This severe, this dangerous punishment, for the
‘ reasons above-mentioned, is likewise tacked to
‘ the

the last mentioned punishment, which was tacked to a former punishment, and so on.

Was any thing like this ever heard of in any age before? Was ever any *Englishman* used in such a manner? A gentleman is locked up in a prison, at a great distance from his friends, at a great distance from the knowledge of what passes in this house, comparatively to what it would be if he had his liberty: And here are we taking away his reputation, taking away his estate, putting him under cruel and ignominious incapacities, not by the summary way of a bill, but by a new invented and more summary way, by a clause incorporated into another bill in a Committee.

Is this our boasted liberty? Is this our happy constitution, that is such a barrier to our lives and properties?--No, Sir, this is not the constitution of Parliament; this is what our ancestors never heard of: The several forms that all bills ought to pass through, have been wisely provided, to give time and opportunity for application on one side, and consideration on the other; and without these forms, a man may be hurried out of his life, his liberty, or his estate, in as tyrannical a manner as under the government of *Peter Alexowitz*.

When leave is given to offer a clause, no body can tell exactly what that clause will be, till it is in the Committee: And before the person that is to suffer by it can be fully apprized of it, the clause is passed, and there is no opportunity of opposing it, but upon the report, or at the third reading; and every body knows how difficult the one is, and how vain the other: All the unfortunate person's friends can do, is only, like *Job's* messengers, to acquaint him from time to time with some fresh calamity that has befallen him.

‘ Sir, I freely declare, I value our constitution
‘ above all things on earth ; and, I think, those
‘ rebels that fought at *Dunblain* and *Preston* to de-
‘ stroy it, and who, by setting a popish bigotted
‘ tyrant upon the throne, would have deprived us
‘ of our religion and liberties, as well as our
‘ estates, greater criminals than those who used in-
‘ direct arts last summer to get our money from
‘ us : Nay, I think them greater criminals than
‘ even those guardians of orphans and infants who
‘ flung their wards into the stocks, when they
‘ themselves sold out at excessive high prices ; and
‘ by leaving those unhappy wretches in that gulph
‘ of perdition, made a golden bridge for them-
‘ selves to escape upon. Obliging these hypocrites
‘ to make restitution to those most unhappy suf-
‘ ferers, would be a piece of the highest justice,
‘ both in the sight of God and man. But my just
‘ concern for those miserable creatures has carried
‘ me a little from my subject.

‘ When I say, Sir, that I value our constitution
‘ so highly, it is because of its being so strong a
‘ fortress against all the sudden irruptions of arbi-
‘ trary power in every shape: It consists in this,
‘ that no man can suffer loss of life, or limb, or
‘ reputation, or liberty, or estate, but upon a fair
‘ trial, and by the judgment of his Peers in all
‘ common cases ; and in the most extraordinary
‘ cases, where the legislature interposes, the trial is
‘ to be by a bill ; in such a case, leave must be first
‘ given to bring in that bill ; then it must be read
‘ a first, and then a second time, afterwards com-
‘ mitted, then reported, and read a third time ;
‘ after which, it goes through all the same forms
‘ in the house of Lords, where a man has all the
‘ same opportunities of making his defence, and
‘ their Lordships have as free a liberty of judging,
‘ as the Commons had before.

‘ In the last place, it comes to the royal assent,
‘ and there is room for application for mercy, and
‘ the bill may be after all rejected.

‘ But, Sir, if instead of all these checks upon
‘ the sudden resolutions of the judges, and all these
‘ opportunities of defence of the person accused,
‘ a man may be destroyed at once, by a clause of-
‘ fered in a Committee, and tacked to a money
‘ bill, or any other bill of a more popular kind,
‘ which the whole nation may expect should pass,
‘ and consequently both the Lords and the crown
‘ be deprived of their free judgment; and by that
‘ means be struck out of the legislature, I do not
‘ see how our constitution can be more effectually
‘ subverted.

‘ This would be tearing up Parliaments by the
‘ roots, and destroying, at one blow, all that our
‘ ancestors and we have been so long struggling to
‘ preserve.

‘ An act of this nature would be a greater iniqui-
‘ ty than any of the directors did or could commit,
‘ and would obliterate their offences, by conveying
‘ down to posterity greater crimes than they were
‘ ever guilty of.

‘ I hope, Sir, we shall not do them such a ser-
‘ vice at our own expence, and therefore I am for
‘ leaving the honourable person out of this bill, and
‘ for going on against him, as we at first set out,
‘ in a just fair parliamentary way, to the end, that
‘ if he has been guilty of any faults, he may be
‘ punished for them; but I am not for punishing
‘ him for other persons faults, much less am I for
‘ punishing him in such a monstrous, in such a vio-
‘ lent manner, as will declare to all the world, that
‘ we could not make good our charge against him,
‘ but yet were resolved to sacrifice him, and even
‘ the constitution itself with him.’

We return now to the debates in the house.

Mr. *Neville* was answered by Sir *Joseph Jekyll*, Mr. *Spencer Cowper*, and Mr. *Freeman*, who insisted, that tho' the facts mentioned in the preamble could not be legally proved, yet the house being satisfied in their consciences of the truth of those facts, from the evidence that had appeared before them, the same was sufficient for that house. Sir *Joseph* having spoke with some vehemence upon that head, Mr. *Neville* made some smart reflections upon him: But tho' Mr. *Robert Walpole* and Mr. *Lechmere* spoke likewise in behalf of Mr. *Aislaby*, yet were they not able to stem the tide which run so strong against him, that it was carried, without dividing, to let the words in the preamble, relating to him, continue. Then upon a debate when to proceed upon the report of the sufferers bill, it was carried for the next day: And the call of the house farther adjourned to that day fortnight.

June 27. The house took into farther consideration the report about the sufferers bill, and the first clause they went upon, was that for investing the estates of the forfeiting persons in trustees, for the use of the public. Mr. *Arthur Moore*, in a long and eloquent speech, moved for an alteration of that clause, and was seconded by Mr. *Hungerford*. They were answered by Sir *Joseph Jekyll*, and the latter by Mr. *Lechmere*, to whom the Lord *Molesworth* replied. After this, Mr. *Lade*, one of the trustees named in the bill, seemed to decline that office, saying, ' That he was
' very easy in his fortune, and therefore wished
' he might be excused from engaging in a business,
' which he foresaw would be attended with great
' difficulties: That he knew not what the house
' might expect from them; and that in so exten-
' sive, and so perplexed an affair, it was impossible
' to

‘to please every body.’ To this the Lord *Molesworth* replied with some vehemence, animadverting upon them who, in so important an affair, appeared lukewarm in the service of their country. On the other hand, Mr. *Robert Walpole*, Mr. *Grey Neville*, and some others, spoke for the motion; but tho’ their design in getting the clause altered, was to mulct the directors, and others, instead of confiscating their estates, yet they never mentioned it directly, only insinuating, that they would offer a clause at the end of the bill, which would more effectually answer the purposes thereof, and bring in more money to the public: But the house in general not relishing the motion, it was dropt without dividing. Then the farther consideration of the report was adjourned to the next day, when the house having sat till almost nine o’ clock in the evening, they went through all the schedules of the late directors estates, and agreed with the Committee, as to the allowances given to them, except the four following, viz. Mr. *Astell*, to whom they gave 10000*l.* instead of 5000*l.* Sir *Lambert Blackwell*, who had 15000*l.* instead of 10000*l.* Sir *John Blunt* 5000*l.* instead of 1000*l.* and Mr. *Francis Hawes* 5000*l.* instead of 31*l.* It was moved to reduce Sir *Theodore Janssen*’s allowance to 30000*l.* but upon a division, it was carried by a great majority for 50000*l.*

After this clause was offered by Colonel *Earle*, to be added to the bill, in favour of Mr. *Aislaby*, viz. for excepting from the forfeiture, his country-house, gardens, and park, as also his lady’s jewels and household goods; which was brought up and read, and a debate arising thereupon, the same was adjourned to the next day, when, after several speeches, for and against the said clause, it was agreed to without any division.

This being over, the remainder of the sitting was spent in a debate of near three hours upon the

question, whether as the bill stood, to vest the forfeited estates in trustees, or to mulct the late directors and others, at a certain sum? A clause for the mulct was offered by Mr. *Hutcheson*, who proposed a million and half sterling. Sir *Thomas Cross* moved for 1,400,000 *l.* and several long speeches were made by Mr. *Hungerford*, Mr. *Lowndes*, Mr. *Yonge*, Serjeant *Pengelly*, the Attorney-General, Mr. *Robert Walpole*, Mr. *Lechmere*, Mr. *Milner*, Sir *John Eyles*, Mr. *Lade*, and some others, who were most of them for the mulct; but not agreeing upon the sum, the debate was adjourned to the *Monday* following.

June 30. The Commons, in a grand Committee, went thro' the bill for appointing Commissioners to examine, state, and determine the debts due to the army. And on the 1st of *July* it was ordered, that the several books and papers which were referred to the Committee of secrecy, be delivered back to the clerk of the house. Then, in a grand Committee, the Commons considered farther of the public credit of this kingdom, particularly in relation to the contracts for *South-sea* stock and subscriptions. Mr. *Yonge* moved, that the *South-sea* Company might not be permitted to deliver out the receipts for the 3^d and 4th subscriptions, which motion was seconded by Mr. *Horatio Walpole*, and spoke to by the Lord *Hinchinbroke*, Colonel *Bladen*, Mr. *Freeman*, Mr. *Grey Neville*, Mr. *Hutcheson*, Mr. *Lechmere*, and some others, but after a long debate the question was dropt.

Then another motion was made by Mr. *Hutcheson*, viz. That all contracts which should be unperformed or not compounded by the 29th of *September* next, be entered in books before the 1st of *November* next, or else be void; that no special bail be required in any action brought upon any contract made since the 1st of *December* 1719, and

and before the first day of *December* 1720; and that no execution be awarded upon any judgment obtained, in any action upon any contract, till the end of the session of Parliament, after the 29th of *September* next; which, after some debate, was agreed to without dividing. Then another motion was made, that all contracts for any subscription or stock, which should be unperformed before the 29th of *September* next, where the seller was not when the contract was made, or within a time to be limited, actually possessed of such subscription or stock, shall be declared null and void; which was also agreed to without any division. And the Speaker having resumed the chair, the report of those resolutions was put off till the *Wednesday* following.

July 3. The house resumed the adjourned debate upon the clause offered the *Thursday* before by Mr. *Knight*, to be added to the sufferers bill, viz. That the estate of which the late Mr. *Craggs*, senior, was possess'd in *October* 1719, be vested in the hands of the trustees appointed by this bill to dispose of the estates of the late directors; which being strenuously opposed by the court party, was upon a division, carried in the negative by 104 voices against 90. Then Sir *John Eyles* proposed, that a clause for vesting the estates of the forfeiting persons in themselves, and only laying a mulct upon them, might be read, which being done accordingly, Sir *Thomas Cross* spoke to it, and suggested, that it were more advantageous to the public, either to mulct the directors, or to allow them 15 per cent. out of their estates for prompt payment; but this being warmly opposed by Mr. *Jessop*, Mr. *Milner*, Sir *Nathaniel Gould*, and the Lord *Molesworth*, the motion for reading the said clause a second time was rejected with disdain, and without a division; and some other amend-

ments were made to the bill, which was ordered to be engrossed.

Resolutions
of the Com-
mons con-
cerning pub-
lic credit.

July 5. Mr. *Farrer*, from the grand Committee on public credit, reported several resolutions, which (with an amendment to one of them) were agreed unto by the house as follows, *viz.*

1. That all contracts for the sale or purchase of subscriptions or stock of the *South-sea* company, or any other company or corporation, or pretended company or corporation, which shall be unperformed or not compounded, on or before the 29th day of *September* next, be entered in books to be kept for that purpose by the respective companies or corporations, before the 1st day of *November* next, or else to be void ; and that such entries shall express for whose use and benefit such contracts were made.

2. That no special bail be required in any action brought or to be brought, upon any contract made since the 1st day of *December* 1719, and before the 1st day of *December* 1720, for the sale or purchase of any subscription or stock of the *South-sea* company, or any other company or corporation, or pretended company or corporation.

3. That no execution be awarded upon any judgment obtained, or to be obtained in any action brought, or to be brought upon any contract, for the sale or purchase of any subscription or stock of the *South-sea* company, or any other company or corporation, or pretended company or corporation, until the end of the session of Parliament, which shall be next after the 29th day of *September* next.

4. That

4. That all contracts for the sale or purchase of any subscription or stock of the *South-sea* company, or any other company or corporation, which shall be unperformed or not compounded, on or before the 29th day of *September* next, where the seller, or the person on whose behalf such contract was made, was not, at the time of such contract, or within a time to be limited, actually possess'd of, or intitled to such subscription or stock, shall be declared null and void.

5. That an address be presented to his Majesty, humbly representing to his Majesty the state of the public credit of this kingdom; and to lay before his Majesty the several resolutions of this house of the 3d of *May*, and 9th and 13th of *June* last, and of this day, relating thereto: And a Committee was appointed to draw up the said address, of which *Robert Walpole*, Esq; was chosen chairman.

July 6. The engrossed sufferers bill was read a third time with a new title, viz. a bill for raising money upon the estates of the late Sub-Governor, Deputy-Governor, Directors, &c. which, with other amendments, was passed and sent up to the Lords by Mr. *Clayton*. It is observable, that after the 3d reading over of the whole bill, which took up about two hours, Mr. *Milner* proposed a rider to be added to it, importing, that the household goods, plate, linnen, &c. of the directors, might be excepted out of the bill; but this motion was rejected with disdain, which prevented the offering of some others that were ready to be proposed in favour of the late directors; one in particular, to empower them to compound such debts as were owing to them either at home or abroad.

July 8. Mr. *Clayton*, according to order, carried up the bill to the Lords, who read it the first time,

time, and ordered it to be read a second time on the *Monday* following, when all the Lords in and about town were summoned to attend.

July 10. A petition of *John Aislaby*, Esq; was presented to the Lords, praying to be heard by his counsel: But the receiving of it was vehemently opposed by the Lord Viscount *Townsend*, who said, *He had done more mischief than any man in the nation.* Some other Lords spoke more favourably of Mr. *Aislaby*, particularly the Earl of *Sunderland*, tho' not directly; and so the petition was received, and ordered to lie on the table. Then the Earl of *Clarendon* presented two petitions of Sir *John Fellows* and Mr. *Joye*, upon which arose a debate on the question, whether any petitions from the directors should be received? The Earl of *Sunderland* suggested, that if they were all to be heard to every particular, they should sit till next year: But tho' the Lord *Trevor*, *North* and *Grey*, and *Bathurst*, urged, that there was as much reason for receiving these petitions as Mr. *Aislaby's*, yet upon the question, they were both rejected, without dividing. Then there was another petition presented in behalf of the late Mr. *Craggs's* daughters, which, after a short debate, was received, and ordered to lie on the table; but three other petitions from some of the directors were rejected; after which, the bill was read a second time, and committed for *Thursday* the 13th of *July*.

A conference between the Lords and Commons.

On the 12th of *July* the Lords sent a message to the Commons, to desire a present conference in the painted chamber, upon the subject matter of the bill to raise money upon the estates of the late directors, &c. which being readily agreed to, and the managers on both sides met, the Lord *Carleton*, from those of the Lords, signified to those of the Commons,

Commons, that their Lordships had commanded them to acquaint the house of Commons, that they had received the bill, before mentioned, from them, and found in it a charge against *John Aislable*, Esq; and the late *James Craggs*, sen. Esq; and tho' they had read the bill twice, yet their Lordships could not find in it the reasons that induced the Commons to insert their Names in the said bill, and therefore desired this conference to know the matters of fact upon which the said bill was grounded, so far as the same related to Mr. *Aislable* and Mr. *Craggs*.

The managers being returned to their respective houses, Mr. *Sloper*, from those of the Commons, reported the said conference to the house, who ordered the said report to be taken into consideration the next day. This being done accordingly, it was resolved, that such members as were of the Committee of secrecy, be appointed a Committee to state the matters of fact, on which those parts of the *bill for the relief of the South-sea Company were grounded*, relating to Mr. *Aislable* and the late Mr. *Craggs*.

July 14. Mr. *Clayton*, from the said Committee, reported the state of the said matters of fact, which being agreed to by the house, was, the same day, delivered to the Lords at a conference. The paper, relating to Mr. *Aislable* was to the effect following, viz.

YOUR Lordships having desired at a conference, that the Commons would acquaint your Lordships with the matters of fact, upon which the bill, (intituled, *An act for raising money upon the estates of the late Sub-Governor, Deputy-Governor, Directors, Cashier, Deputy-Cashier, and Accomptant of the South-sea Company, and of John Aislable, Esq; and likewise of James Craggs, senior, Esq; deceased, towards making good the great loss and*

The Commons reasons for inserting Mr. *Aislable* and Mr. *Craggs* in the directors bill.

and damage sustained by the said Company, and for disabling such of the said persons as are living, to hold any Office or place of trust under the crown, or to sit or vote in Parliament for the future; and for other purposes in the said act expressed) so far as the same relates to the said John Aislavie, and to the said James Craggs, was grounded.

The Commons have commanded us to acquaint your Lordships, that the said matters of fact, so suggested in the said bill, are relative to the matters of fact suggested in the former part of the preamble of the said bill, and will be explained thereby ; and for your Lordships farther satisfaction, we are commanded by the Commons to acquaint your Lordships, that the bill, so far as it relates to the said *John Aislachie*, besides the notoriety of facts, was grounded as well upon proof, as the confession of *Mr. Aislachie*.

As to the confession of Mr. *Aislaby*, we are commanded by the Commons to affirm, in their names, to your Lordships, that Mr. *Aislaby* did in his place confess, that upon the third and 19th days of *December*, 1719, 22,000 l. *South-sea* stock was bought by Mr. *Robert Knight*, late cashier of the *South-sea* company, for him the said Mr. *Aislaby*; and Mr. *Aislaby* delivered in to the Commons a paper of the hand writing of Mr. *Knight*, containing part of an account in the words following.

l. s.

1719.

Dec. 3. To South-sea bought, 10000 l. } 12300 00
at 123 ————— }

19. Bought more 12000 l. at 126 $\frac{1}{2}$ 15180 00

To $\frac{1}{8}$ per cent. paid S. Strobe 12000 l. 27 10

To $\frac{1}{2}$ part 217 $\frac{1}{2}$ l. 10 s. lost as above 108 15

24. To cash paid back	193	15
-----------------------	-----	----

27800 00

Dec.

Dec. 10. Received in Bank notes	—	12300 00
19. Received more in full	—	15500 00
		27800 00

We are also commanded to acquaint your Lordships, that the Commons having received information, that Mr. *Francis Hawes* (one of the late directors of the *South-sea* company) had negotiated very large sums for Mr. *Aislaby*, and had had dealing for a considerable time past in *South-Sea* stock with Mr. *Aislaby*, and that an account thereof was kept in a book, of which Mr. *Aislaby* had a duplicate; which accounts were continued in that book till some time in *November* last: The Commons did, on the 7th day of *March* last, order that the said book should be laid before them the next morning; at the making of which order, Mr. *Aislaby* was present in his place, and did not object or offer any thing to the house that the same could not be complied with. But the next day, Mr. *Aislaby* attending in his place to make his defence to the several matters objected to him, an obedience to that order being required, Mr. *Aislaby* declared, that Mr. *Hawes*, if called in, would tell the house, that Mr. *Hawes*, with his own hand, committed the said book to the fire; upon which Mr. *Hawes* being called in and examined, said, that the said book was, in the beginning of *November* last, upon Mr. *Aislaby's* pressing instances, delivered up by him to Mr. *Aislaby*; and that the same book, and also the said duplicate thereof, kept by Mr. *Aislaby*, were both then burnt together, part by Mr. *Aislaby*, and part by himself, at Mr. *Aislaby's* instance, and that the proposal for burning them came from Mr. *Aislaby*; and *Hawes* farther said, that he had not any duplicate or entry of what was contained in the said book.

We

We are farther commanded to acquaint your Lordships, that upon the 20th of *January*, 1719, the Commons resolved, that their house would, upon the 22d of that month, resolve itself into a Committee of the whole house, to consider of that part of his Majesty's speech which related to the public debts, which the house did accordingly; and that afterwards, on the 27th of *January*, the house again resolved itself into the said Committee, and the Committee did then receive proposals from the *South-sea* company for paying the public debts.

As for proof, the several persons following, *viz.* Mr. *Robert Surman*, Mr. *Francis Hawes*, Mr. *Matthew Weymond*sold, *Thomas Weddall*, Esq; Sir *Theodore Janssen*, Sir *Lambert Blackwell*, Mr. *Webster*, Mr. *Robert Knight*, Sir *John Fellows*, Sir *John Blunt*, Mr. *John Falconbridge*, *Edmond Waller*, Esq; Mr. *Edward Gibbon*, Mr. *Charles Jove*, were examined, and did, in the opinion of the Commons, make out the allegations in the said bill relating to Mr. *Aislaby*.

As to the late Mr. *Craggs*, the managers of the Commons acquainted those of the Lords, that the Commons had positive evidence, that great quantities of *South-sea* stock were taken in for him, without his paying for it, or giving sufficient security.

The Lord *Carleton* having made his report of this conference to the house of Lords, their Lordships ordered it to be taken into consideration the next day *July* 15, which being done accordingly, their Lordships, after some debate, made the following orders, *viz.*

1st, Ordered, That *John Aislaby*, Esq; be heard at the bar of the house on *Tuesday* next, if he thinks fit.

2. That

2. That the Lieutenant of the *Tower* do bring Mr. *Aislaby* to the bar of the house on *Tuesday*.

3. That the Serjeant at Arms attending the House of Commons, do bring up Sir *John Blunt* at the same time to be examined as a witness.

4. That a message be sent to the house of Commons, to desire they would give leave that any of the witnesses, that are members of that house, may be examined in behalf of Mr. *Aislaby*.

5. That the other witnesses that are not members of the house of Commons, do then attend to be examined.

6. That *Edmond Waller*, Esq; do then attend to be examined.

Then the petitions of the executors of the late Mr. *Craggs* being read, it was ordered, That the said petitions be referred to the Committee upon that bill, and that they be then severally heard by their Counsel.

Then a petition of *Robert Surman*, lately deputy-cashier of the *South-sea* Company, was read, and rejected: After which it was ordered, That an humble address be presented to his Majesty, praying that the several papers relating to the affair of Mr. *Aislaby*, may be laid before the house by the proper Officers. It was ordered likewise that all the Lords be summoned to attend the service of the house on *Tuesday* next.

On the 17th of *July* the Lords sent a message to the Commons, desiring that the Commons would give leave to *George Bailie*, Esq; *Richard Edgcombe*, Esq; *William Lowndes*, Esq; *Charles Stanhope*, Esq;
Henry

Henry Kelsall, Esq; William Clayton, Esq; Richard Hampden, Esq; George Delavall, Esq; Sir Robert Furness, Bart. and Edward Wortley, Esq; (Members of their house) do attend their Lordships in order to be examined as witnesses on behalf of *John Aislable, Esq;* before the Committee of the whole house, to whom the bill, intituled, *An Act for raising money upon the estates of the late sub-governor, deputy-governor, directors, cashier, deputy-cashier, and accountant of the South-sea Company, and of John Aislable, Esq; &c.* stands committed. Hereupon the Commons resolved, to send an answer to the said message by messengers of their own, and appointed a Committee to search precedents in relation to the said message.

July 18. The Lords sent another message to the Commons, desiring, That a letter from *John Aislable, Esq;* to Mr. *Weymondfold*, dated the 1st of *March, 1719*, brought before that house, and ordered to lie upon the table, might be laid before their Lordships; and also, That the Lords had agreed to the bill, intituled, *An Act for appointing Commissioners to examine, state, and determine, the debts due to the army*, without any amendment. Hereupon the Commons proceeded to take the first part of the said message into consideration; and the house taking notice, that there were was no such letter before the house, as was mentioned in the said message; but the house being acquainted, that such a letter was delivered into the late Committee of Secrecy, and was in the hands of the chairman of the said Committee; it was ordered, That the clerk who attended the same Committee, do attend the Lords with the said letter.

Then the Lord *Hinchinbroke* reported from the Committee appointed to search precedents, in relation to the message sent from the Lords, (desiring leave might be given to *George Bailie, Esq;* and several others, members of this house) therein mentioned,

ed, to attend their Lordships, in order to be examined as witnesses; as is therein mentioned) that the Committee having searched the journals of the House, had found several Precedents, which they had directed him to report to the House; and he read the said report in his place, and afterwards delivered it in at the table, where the same was read. Hereupon it was resolved, That *George Bailie, Esq; Richard Edgcombe, Esq; William Lowndes, Esq; Charles Stanhope, Esq; Henry Kelsall, Esq; William Clayton, Esq; Richard Hampden, Esq; George Delavall, Esq; Sir Robert Furnese, Bart. and Edward Wortley Esq;* (members of this House) have leave to attend the Lords, in order to be examined concerning that part of the bill mentioned in their Lordships message of the 17th instant, which relates to *John Aislabye, Esq;* if they thought fit; and a message was sent to the Lords to acquaint them with this resolution.

The same day the Lords being met early, their Lordships went into a Committee upon the directors bill, and great debates arose in relation to Mr. *Aislabye*, how, and in what manner he and his witnesses should be examined? The Lord *Harcourt* moved, that according to the established rules of justice and equity, every one of them might be examined distinctly to every article: But this was warmly opposed by the Lord *Townshend*, who, in a long speech, alledged, among other things, 'That such a method would take up so much time, that it might endanger the loss of the bill, which was of the greatest importance, not only to the kingdom, but to the King himself; for if the bill should miscarry, no man could tell what might be the consequence.' This was supported by the Earl of *Sunderland*, who likewise urged the necessity of passing this bill, to quiet the minds of the people. After some other speeches, Mr. *Aislabye* was called in, and, at his desire, Mr. *Weddal*, Mr. *Surman*, Sir *Lambert Blackwell*, Sir *John Blunt*, Sir *Theodore Janssen*, Mr

Faulconbridge, Mr. *Joye*, and Mr. *Hawes*, were severally called in, examined, and confronted with him. Sir *John Fellows*, in particular, declared he knew nothing of the questions that were put to him by Mr. *Aislabye*; and Sir *John Blunt* being asked who was the contriver of the *South-sea* scheme? answered, It was none of his contriving, but of the house of Commons: But Sir *Theodore Janssen* being examined about the same matter, said, ‘ That he
 ‘ always took Sir *John Blunt* to be the contriver, as
 ‘ certainly he was the chief manager, of the *South-sea*
 ‘ scheme; and that for his own part, he never was let
 ‘ into the secret of that affair.’ Mr. *Hawes* being examined as to the burning of the books of accounts, ingenuously owned the fact; but said they were only books of private accounts between Mr. *Aislabye* and himself; and which no ways concerned the public, or any other private person, besides them two: Upon which Mr. *Aislabye* said, ‘ He thought there
 ‘ was no hurt in burning accounts that were made up
 ‘ and cancelled, and in which no body had any concern but Mr. *Hawes* and himself.’ These examinations being over, the Lord *Onslow* stood up, and asked, Whether, in the opinion of their Lordships, any mischief had happened to the public? And being answered by another Lord, Yes, without, doubt a great deal: But, added my Lord *Onslow*, it seems no body has done it; Sir *John Blunt* is innocent, Sir *John Fellows* knows nothing of the matter, none of the directors were let into the secret, Mr. *Aislabye* has done no hurt: Therefore, my Lords, I move to adjourn; which was done accordingly.

The next day the Lords went again into a Committee upon that part of the directors bill relating to Mr. *Aislabye*; and the Lord *Trevor* standing up, said, ‘ That from any evidence that had yet appeared
 ‘ before them, he could not see that there was sufficient ground to insert Mr. *Aislabye*’s name in the bill,
 ‘ and to involve him in the same punishment with the
 ‘ directors;

‘ directors ; and therefore, before they proceeded
 ‘ farther, he thought it necessary to send to the secret
 ‘ Committee, to lay before them their whole evi-
 ‘ dence.’ This motion was seconded by the Lord
Harcourt ; but the same, if carried, being like to
 embroil both houses in dangerous disputes, the Lord
Falmouth moved for adjourning during pleasure,
 which was agreed to. After a short adjournment,
 their Lordships considered what was fit to be done
 in so nice and critical an affair ; and, at last, agreed
 to call in and examine first *Mr. Surman*, and after
 him *Mr. Weymondsohl*, the former of whom deposed,
 and the other confirmed, that *Mr. Aislaby* had *South-*
sea stock transferred to him several times to the value
 of above 30,000 *l.* for which, they knew not that he
 ever paid any thing. After this, *Mr. Aislaby* was
 called in, and ordered to make his defence, which
 he did in the following speech.

My Lords,

‘ I Appear at your Lordships bar, by your per-
 ‘ mission, to be heard, in my own person against
 ‘ that part of the bill, now depending before your
 ‘ Lordships, which affects myself.

*Mr. Aislaby's speech
 to the Lords.*

‘ I have been long confined, by order of the house
 ‘ of Commons, under whose displeasure I am un-
 ‘ happily fallen, for want, perhaps, of proper ta-
 ‘ lents to explain and support my own innocence ; for
 ‘ which reason, I wish your Lordships would have in-
 ‘ dulg'd me so far, as to have heard me by my Coun-
 ‘ sel in the usual manner, in a cause where my pro-
 ‘ perty, my liberty, and, for aught I know, my life
 ‘ may be concerned.

‘ I must own, my Lords, I come very ill pre-
 ‘ pared to make my defence against such parts of
 ‘ this long and perplexed bill as seem to relate to me ;
 ‘ It hath received so many alterations in the tedious
 ‘ passage it made through the other house, that it was
 ‘ impossible to learn how far I was affected by it,

‘ ’till it was past ; and it hath made so quick a progress in this house, that I have scarce been able to get a copy of it, before I am brought before your Lordships, to make my defence against it.

‘ It was some surprize to me, my Lords, after what had passed in the house of Commons, and after a bill had been ordered, and was brought in, to make me discover my effects, and to restrain me from going out of the kingdom ; I say, it was some surprize to me to find myself translated, all on a sudden, into this bill against the directors, under the new-fashioned term of consolidation, without any new offence given, or cause assigned, that is fit to be mentioned in this place. However, my Lords, I now find myself tacked to them and their unhappy fate.

‘ My Lords, it concerns me much to know the cause of this extraordinary proceeding, the reasons of these cruel and new-invented punishments, and the facts that are to make out the crimes alledged against me in the preamble of this bill.

‘ I have carefully perused and examined it, and inquired into all the steps it has taken since I was heard in my place in the house of Commons, against a charge contained in the report of the secret Committee, and I find nothing but what is new and extraordinary throughout the whole. I was heard, my Lords, I say, upon the report of the secret Committee, containing many loose and uncertain facts as to me, and, as it seems, innocent, or ineffectual to any one besides.

‘ I thought I had given intire satisfaction to that assembly, of my innocence, when I found it was the pleasure of the house that I should withdraw before any question was moved or stated upon paper, as is usual ; it was impossible therefore to know my crimes, or the facts upon which they were grounded, so as to be able to make a proper defence

‘ defence there, before I withdrew, tho’ I had been
‘ very well prepared to do it, as I think I was.

‘ But, my Lords, as this never happened to any
‘ Commoner before; so my Lords, in the warrant
‘ by which I was committed to the *Tower*, I find no
‘ cause assigned for my commitment, as has always
‘ been practised in the like cases.

‘ Thus far, my Lords, I was at a loss even for
‘ my crimes; but the next day the votes of the House
‘ of Commons presented me with a view of many
‘ extraordinary crimes contained in several resolu-
‘ tions: Crimes which my soul abhors, and of which,
‘ my Lords, I do in this place, and at this bar, de-
‘ clare I am entirely innocent. I saw in the same
‘ votes an order for a bill to be brought in, to in-
‘ quire into my estate, &c. I perceived that bill to
‘ make a slow progress for some time, till, from some
‘ fresh displeasure conceived against me, it changed
‘ its shape at once, and became a bill of punishment,
‘ and not of inquiry, or at least of inquiry as in
‘ cases of felons convicted, tho’ I had never had any
‘ trial.

‘ This way of dealing with an *English* subject, is
‘ unknown to the laws of *England*; I say, my Lords,
‘ first to punish, and then inquire, the law abhors.

‘ However, my Lords, I thought my self sure
‘ of the eleven resolutions contained in the votes of the
‘ House of Commons, as the ground of the charge a-
‘ gainst me; resolutions that have been sent abroad,
‘ and have made me the object of public odium
‘ throughout the kingdom. I had prepared my self
‘ to answer to this charge upon every article. But
‘ here, my Lords, I found myself again disappointed;
‘ and these very articles for which I had been brand-
‘ ed, expelled, and committed to the *Tower* for so
‘ many months, disappeared at once, and were, (if I may
‘ be not a liar) rejected by one of the very persons that
‘ moved them, as so many loop-holes through which
‘ an innocent man might escape.

‘ So here, my Lords, I am at a loss again ; the
 ‘ punishments are enacted, the most cruel torturing
 ‘ punishments, before any charge is made, or any
 ‘ facts alledged, and at last it is sent up to your Lord-
 ‘ ships with a charge of crimes, without any facts at
 ‘ all to support that charge. Give me leave, my
 ‘ Lords, to say, that this, above all the other ex-
 ‘ traordinary steps, is most new and unprecedented.
 ‘ An attainder, like this, without any legal charge in
 ‘ it, tacked to another that must pass, is a com-
 ‘ plicated mischief : An attainder of itself is uncom-
 ‘ mon, and generally abhorred : An attainder tacked
 ‘ is entirely new and unparliamentary : An attainder
 ‘ without facts ascertained, is not only new and dan-
 ‘ gerous, but against the very principles of justice,
 ‘ and the laws of the land in all cases.

‘ For this reason, my Lords, I have humbly re-
 ‘ presented to you the difficulties I lay under in re-
 ‘ spect to my defence, from the uncertainty of my
 ‘ charge, for want of facts stated to support it, and
 ‘ without which it is properly no charge at all.

‘ Your Lordships have thought fit to desire, at a
 ‘ conference with the Commons, to have this defect
 ‘ supplied ; and they have accordingly delivered to
 ‘ your Lordships a paper, a copy whereof you have
 ‘ been pleased to give me, in order to my defence,
 ‘ which I therefore take leave to read to your Lord-
 ‘ ships.

YOUR Lordships, *as before, p. 2.*

‘ My Lords, upon perusal of this paper, I find
 ‘ only two facts mentioned, which if proved, are
 ‘ no crimes, and of no relation to the preamble of
 ‘ the bill. For as in the preamble there were crimes
 ‘ alledged without facts, so in this paper there are
 ‘ facts without crimes : Your Lordships upon this
 ‘ extraordinary occasion desired this conference with
 ‘ the Commons, in order to be informed of the facts
 ‘ that were the ground of their charge. They have
 ‘ been

‘ been pleased to refer your Lordships to that part of
‘ the preamble relating to the directors, by which
‘ they say the charge against me is to be explained.
‘ I have examined this part of the preamble, and am
‘ intirely at a loss to find one fact stated in it; the
‘ whole is general and most uncertain, and amounts
‘ to no charge at all: That part of the preamble re-
‘ lating to me, is so far from being explained by it,
‘ that it is made more perplexed and unintelligible.

‘ My Lords, it is a strange circumstance that at-
‘ tends my case: I stand here accused, and ready to
‘ make my defence before your Lordships my judges.
‘ Your Lordships are at a loss to know upon what
‘ facts to try me; you have inquired of the Com-
‘ mons my accusers, and are no better informed;
‘ but on my part, my Lords, it is yet more extraor-
‘ dinary; the accused is put under a necessity to find
‘ out facts to support the charge of his accusers. Was
‘ any proceeding like this ever known before? No,
‘ my Lords, the bill of attainder against my Lord
‘ *Strafford* was extorted from the legislature, by force
‘ and violence, and in some respect, like this, un-
‘ der colour of appeasing the deluded people. Vain
‘ imagination! This concession of our ancestors
‘ made way for all the miseries that followed. But
‘ cruel and unjust as it was, there were facts stated
‘ in that bill to charge that noble Lord, and his ac-
‘ cusers came like men to this bar to make them
‘ good; but where are my accusers, my Lords?
‘ Where are the facts? And where is their evidence?
‘ Was there ever any accusation that proceeded from
‘ a secret committee before, that was not made good
‘ at this bar by those who are supposed to know the
‘ facts best, and who have obliged the public with their
‘ discoveries? Why do they decline to give your
‘ Lordships and the public this satisfaction? My
‘ Lords, I find, to save this trouble, they refer you
‘ to the notoriety of the facts: Strange notoriety of
‘ facts, that are not yet revealed, and to which there

' is no evidence. Was this expression ever used be-
 ' fore at any conference? In any act of Parliament?
 ' Or did it ever approach this bar before? Pray, my
 ' Lords, what does it mean? If it means common
 ' fame or public clamour, thanks to the arts of my
 ' enemies, I have had my full share, and felt the
 ' cruel effects of it: But if fame is to be a guide in
 ' judicial proceedings, and in criminal cases, there is
 ' no head safe; we are all in the power of whisper-
 ' ers and defamers. But has public fame ever been
 ' thought sufficient to conviction? No, my Lords,
 ' public fame has been said to be a ground of inqui-
 ' ry, but never of condemnation. The Commons,
 ' in the case of the Duke of *Buckingham*, 1 Car.
 ' I. did, at the instance of Dr. *Turner*, declare,
 ' that common fame was a good ground of inqui-
 ' ry or presentment; but as this was complained
 ' of by the crown as an unparliamentary proceeding,
 ' the Commons, in their remonstrance a little time
 ' after, receded from this pretence, and affirmed
 ' their proceedings to be grounded upon their own
 ' knowledge, or proof, by the examination of wit-
 ' nesses and other evidence; and in every article of
 ' their accusation the particular facts are expressed:
 ' but this is not my case, my Lords; I see no Facts
 ' charged upon me, I hear of none; it is vain to
 ' make a defence against nothing; 'tis fighting with
 ' the air.

' But since, my Lords, the Commons have re-
 ' commended some witnesses to your Lordships,
 ' who, they say, did, in their opinion, make out
 ' the allegations in the bill; pray let me examine
 ' what the allegations in the bill are, and how they
 ' were made out by the witnesses, who have been
 ' examined before your Lordships.

' My Lords, in that part of the preamble of the
 ' bill which charges me, it is alledged, that *John*
 ' *Aislaby*, Esq; late Chancellor and Under-treasur-
 ' er of the *Exchequer*, and one of the Commission-
 ' ers

ers of his Majesty's Treasury, and a member of the house of Commons, in breach of the great trust in him reposed, and with a view to his own exorbitant profit, has combined with the said directors of the *South-sea* Company in their pernicious practices, and has been guilty of most dangerous and infamous corruption, to the detriment of great numbers of his Majesty's subjects, and manifest prejudice of the public credit, and of the trade of this kingdom.

My Lords, in considering this charge, I am at a loss to find in what capacity I am accused of breach of trust. The title of Chancellor of the *Exchequer* stands there, I suppose, *Ornamenti gratia*; 'tis an office of great honour and dignity, but has no relation to this affair, or to the execution of the *South-sea* scheme; nor is that officer so much as mentioned in any act of Parliament since the first constitution of the company; it is a distinct office from the Treasury, and in some instances without much influence, tho' joined in Commission in that board.

I must then stand accused as one of the Commissioners of the Treasury, or as a member of Parliament, or both.

I flatter myself, my Lords, that I have acquitted myself in these two capacities with the same integrity and good faith as the rest of my brethren; nor can I understand how I could commit any one act in breach of my trust, as one of the Commissioners of the Treasury, without the participation of at least two of the same board.

I have perused the acts of Parliament relating to the execution of the *South-sea* scheme, and desire they may be read, that it may be seen how far the Treasury were concerned, or were intrusted with any part of the execution of the scheme, that we may know wherein this trust consisted, and so have recourse to such facts as may charge me and others
with

‘ with a breach of it. My Lords, I know of no-
‘ thing that concerns the Treasury, in those acts,
‘ but what relates to the making forth and issuing
‘ the *Exchequer* bills to be lent to the Company, be-
‘ sides the constitution of Commissioners relating to
‘ the taking in of the public debts, which commis-
‘ sion your Lordships have affirmed: And as to
‘ those bills, my Lords, no man has accused me,
‘ not Sir *John Blunt* himself; he tells you upon his
‘ examination here, as he told the other house be-
‘ fore, that he took it to be the sense of the house of
‘ Commons, that the Company might lend out the
‘ *Exchequer* bills upon their stock, having been ad-
‘ mitted to hear the debates of the house upon that
‘ occasion, and that they were therefore so lent out.

‘ My Lords, there is not one word more in
‘ all those acts of Parliament that implies any far-
‘ ther trust, nor is there any power given or re-
‘ served to the Commissioners of the Treasury to
‘ direct or controul the directors, but what has
‘ been literally pursued by the Treasury. Where
‘ then is this breach of trust in me, as one of the
‘ Commissioners of the Treasury? Is there any trust
‘ reposed in me, in any capacity, that makes me re-
‘ sponsible to the *South-sea* Company? If not, how
‘ comes the Chancellor of the *Exchequer*, and one
‘ single Commissioner of the Treasury, to be con-
‘ fiscated for the use of some of his fellow-subjects
‘ for breach of trust?

‘ If then this breach of trust is no where to be
‘ found, let us examine next, wherein I have com-
‘ bined with the late directors in their pernicious
‘ practices. By the reference the Commons make
‘ to the matters of fact, suggested in the former part
‘ of the preamble of the bill relating to the direc-
‘ tors, one might expect to find these practices set
‘ forth there, in order to make out the charge of
‘ which they stand accused.

‘ My

‘ My Lords, I have looked into this part of
‘ the preamble relating to them, and find it is on-
‘ ly said, that they, the directors, under colour
‘ of the late act, have carried on many notorious,
‘ fraudulent, indirect practices, contrary to the in-
‘ tention of the said late act, not only to the im-
‘ mense loss of the Company, to seven millions
‘ and upwards, but the great detriment of the pub-
‘ lic, &c. But the particulars of these practices are
‘ no where specified: I have heard, indeed, they
‘ once stood part of this bill, but were afterwards
‘ left out as so many incumbrances upon it; and
‘ if I may be allowed to take notice of what the
‘ Commons upon deliberation have suppressed, I
‘ would acquaint your Lordships, that that part
‘ of the preamble of the bill which relates to the per-
‘ nicious practices of the late directors, as tending
‘ to the immense loss of the Company, to seven
‘ millions and upwards, was comprized in these
‘ words, *viz.*

‘ That the directors have been guilty of several
‘ corruptions, breaches of trust, frauds, and abuses,
‘ by contriving the fictitious stock of 574,500 *l.*
‘ stock, and entering it in their books, to be sold
‘ for 1,213,575 *l.*

‘ That they also lent upon stock, or pretended
‘ stock, contrary to the resolutions of the court of
‘ directors, several sums amounting to 943,631 *l.*
‘ over and above the 500,000 *l.* to which the loans
‘ were restrained; and more, 406,903 *l.* over and
‘ above the sums limited to be lent; and more, se-
‘ veral sums beyond what they were limited, which
‘ excesses amount in the whole to 3,746,467 *l.*

‘ That they also lent upon subscription-receipts
‘ 2,219,089 *l.* without authority from the Compa-
‘ ny, which loans, or pretended loans, upon the
‘ stocks and subscriptions, amount in the whole to
‘ 5,965,556 *l.*

‘ Fictitious

l.

Fictitious stock ——— ——— ———	1,213,575
Total on stock and subscriptions ———	5,965,556
	7,179,131

‘ Here, my Lords, you have a plain account of
 ‘ all the directors pernicious practices ; let it now
 ‘ be inquired, what evidence has been given to
 ‘ your Lordships, to make out my having combi-
 ‘ ned with them in all, or any of those practices.

‘ As to the first article, in relation to their con-
 ‘ triving the fictitious stock of 574,500 l. and en-
 ‘ tering it in their books, to be sold 1,213,575 l.
 ‘ there is not one word said by any of the directors,
 ‘ that I was privy to it, or that they ever heard, or
 ‘ suspected, or that there was even so much as a
 ‘ whisper among them, that I had, or was to have
 ‘ any part of it; and the secret Committee them-
 ‘ selves, after having, in the most extraordinary,
 ‘ as well as the most solemn manner, examined
 ‘ them all to this fact, were pleased to say, there
 ‘ was no such charge against me.

‘ As this was the fund for all the corruption,
 ‘ and the source of all our misfortunes, I think
 ‘ myself extremely happy, let my fate be what it
 ‘ will, that I stand clear and acquitted, in the
 ‘ judgment of my worst enemies, of this criminal
 ‘ and cursed transaction. And as this was a work
 ‘ of darkness, that has not yet been perfectly
 ‘ brought to light, and as it was in its nature such,
 ‘ as carried the greatest secrecy and security with
 ‘ it; and as I am the person supposed to have been
 ‘ the author of the scheme, and the director of
 ‘ the directors, and one who commanded every
 ‘ thing, is it possible to imagine, that I should
 ‘ neglect to take my share of this mighty harvest;
 ‘ and

‘ and trust to the secrecy of an infamous broker,
‘ and the hazard of an open market ?

‘ But notwithstanding the secret Committee, who
‘ spared no pains in their inquiries relating to me,
‘ have not thought fit to charge me upon this
‘ head, but have intirely acquitted me, I find some
‘ notice is taken of what Mr. *Surman* has said con-
‘ cerning the green book, wherein he saw my
‘ name to an account that was ballanced : Whate-
‘ ever notice your Lordships are pleased to take of
‘ that information, the gentlemen of the secret
‘ Committee knew better than to insist upon it in
‘ their charge, since that account is said to be after
‘ the bill was past, and to be ballanced ; and con-
‘ sequently, I must have it to produce, unless by
‘ some extraordinary accident, or artifice, I should
‘ have lost it. But as Mr. *Surman* has proved, that
‘ *Knight* kept my cash long before the scheme
‘ took place, and was indebted to me for a great
‘ sum in *November 1719*, so, my Lords, I declare I
‘ am not concerned how those accounts are expo-
‘ sed, if they can possibly be brought to light ; and
‘ as I have this account mentioned by Mr. *Surman*,
‘ to produce, if your Lordships require it,
‘ so I wish from the bottom of my soul, that
‘ the green book, so famous in story, may be pro-
‘ duced (as perhaps it may) before it be buried in
‘ oblivion.

‘ The directors, and others, examined to the
‘ rest of the articles, making up the seven mil-
‘ lions and upwards, do all declare, that I was not
‘ privy, or in any manner a party to their trans-
‘ actions, or in the least contributed to the loss
‘ sustained by the Company in any article of that
‘ account : As these proceedings were the chief,
‘ if not the only causes of the misfortunes of the
‘ company, and the public, I am still extremely
‘ at a loss to know what the pernicious practices
‘ were

‘ were, that can make me an accomplice or confederate with the directors.

‘ The selling of their own stock, and buying it for the Company, could not, in its nature, be communicated to me, and has been denied by them all.

‘ The declaring the great dividends at 30 per cent. for *Christmas*, and not less than 50 per cent. for not less than 12 years after, was a transaction when I was in the *North*, and they all declare I knew nothing of it.

‘ The additions to the first and second subscriptions, and the deficiencies of the third and fourth subscriptions, are attested to be done without my privity or advice :

‘ And as to the taking in any of the subscriptions at what price soever, *Sir Theodore Janssen*, and others, have told your Lordships, they were done at the instance of *Sir John Blunt* solely, by starts and surprize, and agreed to, the same day, without sending to, or advising with *Mr. Aislaby*, or any body else.

‘ Here, my Lords, you have all the facts and pernicious practices with which the directors are charged, either by the resolutions of the Lords or Commons ; and here is not one witness that has been examined before your Lordships, that hath not intirely acquitted me of any combination with them, in these, or any other of their pernicious practices. These are the contents of this general charge of the Commons against me, as far as I can collect them, and which have required more pains to discover and but together, then it has done to answer them.

‘ I shall now proceed, my Lords, to examine the only two facts which the Commons have thought fit to lay before your Lordships, and delivered at the conference

‘ The

‘ The first of these is said to be grounded upon
 ‘ my own confession in my place in the house of
 ‘ Commons, viz. That on the 3d and 19th of
 ‘ December 1719, 22000 *l.* *South-sea* stock was
 ‘ bought by Mr. Robert Knight, late cashier of
 ‘ the *South-sea* company, for me; and, that I de-
 ‘ livered into the Commons a paper of the hand
 ‘ writing of Mr. Knight, containing part of an ac-
 ‘ count, in the words following

	<i>l.</i>	<i>s.</i>
1719.		
Dec. 3. To <i>South-sea</i> bought, 10000 <i>l.</i>	}	12300 00
at 123 ———		
19. Bought more 12000 <i>l.</i> at 126 $\frac{1}{2}$		15180 00
To $\frac{1}{8}$ per cent. paid S. Strobe 12000 <i>l.</i>		27 10
To $\frac{1}{2}$ part 217 <i>l.</i> 10 <i>s.</i> lost as above		108 15
24. To cash paid back ———		183 15
		—————
		27800 00
		—————
Dec. 10. Received in Bank notes ———		12300 00
19. Received more in full ———		15500 00
		—————
		27800 00

‘ My Lords, I have the greatest honour and re-
 ‘ gard for the house of Commons imaginable,
 ‘ and shall always pay the great deference to
 ‘ every thing that proceeds from them; even their
 ‘ censure, and my misfortunes, I bear with pati-
 ‘ ence, and submission to their authority: And as
 ‘ I am sensible their displeasure was drawn upon
 ‘ me by unlucky incidents, and want of opportu-
 ‘ nity of understanding the truth of my case, so
 ‘ I doubt not but they will be pleased that I have
 ‘ this opportunity of defending my innocence, and
 ‘ clearing it from the mistakes and general preju-
 ‘ dice under which I have been unhappily oppress-
 ‘ ed; nor can their honour be concerned, or that
 ‘ of

' of the secret Committee, if I am acquitted by
 ' your Lordships of the crimes laid to my charge,
 ' if they appear to your Lordships to be ill-
 ' grounded ; I shall therefore take the liberty to
 ' say, I am extremely surpris'd to find the Com-
 ' mons make use of the word confession upon this
 ' occasion. Confession, my Lords, implies guilt,
 ' and is the declaration of some fact supposed to
 ' be criminal : But this is not my case, nor, with
 ' submission, is it the fact ; this paper, my Lords,
 ' this account proved by Mr. *Surman*, and allow-
 ' ed by the House of Commons to be an account
 ' of stock bought and paid for with my own mo-
 ' ney in the beginning of *December* 1719, was
 ' produced by me in the House of Commons in
 ' my own justification, to prove a valuable con-
 ' sideration in Mr. *Knight's* hands, and security
 ' given for 20,000*l.* *South-sea* stock, bought the
 ' beginning of *March* following, and paid for by
 ' Mr. *Knight*. This, with other effects of mine of
 ' great value, were proved to be in his hands at
 ' that time, more than sufficient to answer the va-
 ' lue of the said 20,000*l.* stock, bought by my or-
 ' der, by Mr. *Weymondfold*, whereof, if any doubt
 ' remain, I am ready to produce the most authen-
 ' tic vouchers.

' This paper, produced as an evidence by me against
 ' a charge of corruption, is now, by an unaccount-
 ' able turn, made an article of corruption it self,
 ' or at least tending to support the charge in the
 ' preamble in some manner. I cannot very well
 ' guess what the Commons would infer from this
 ' account, or what it tends, to ; I suppose it is
 ' meant to shew, that it was done with a view to
 ' the scheme which afterwards took place, and to
 ' my own exorbitant gain, since they are pleased
 ' afterwards to subjoin this observation : That up-
 ' on the 20th of *January* 1719, the Commons
 ' resolved, that their house would, upon the 22d
 of

‘ of that month, resolve itself into a Committee of
‘ the whole house, to consider of that part of his
‘ Majesty’s Speech which related to the public debts,
‘ which the house did accordingly ; and that after-
‘ wards, on the 27th of *January*, the house again
‘ resolved itself into the said Committee, and the
‘ Committee did then receive proposals from the
‘ *South-sea* company for paying the public debts.

‘ One would think that from this observation,
‘ which the Commons themselves have made, there
‘ needs no other proof, to shew that the stock
‘ bought in the beginning of *December* 1719, could
‘ not be bought with a view to the scheme, that
‘ was not accepted ’till two months after ; and if it
‘ had been so, it would have been no more than
‘ every Chancellor of the *Exchequer* hath done
‘ at all times before me ; nay, I may venture to
‘ affirm, it hath been looked upon as incumbent up-
‘ on the Chancellor of the *Exchequer*, and all the
‘ other Officers of the revenue, to encourage, by
‘ their examples, all public undertakings of this
‘ kind ; and it must not be forgot, that at the first
‘ establishment of this very Company, the then
‘ Chancellor of the *Exchequer*, and several great
‘ officers of State, did condescend to be directors of
‘ this Company, which was never thought a crime,
‘ whether it was done with a view to their own in-
‘ terest, or not.

‘ But, my Lords, I will shew that this stock was
‘ not bought with any such view, and if it were,
‘ that it does not make good any one part of the
‘ charge in the bill ; for as it was bought with my
‘ own money, it could not be a breach of trust in
‘ any manner, nor could it be a dangerous and in-
‘ famous corruption, nor could it be in confederacy
‘ with the directors in their pernicious practices,
‘ which are described to have been committed by
‘ them under the colour of the late act, and therefore
‘ subsequent to it ; nor was it bought with a view to

‘ my own exorbitant profit, since it was not only
‘ two months before the Commons accepted the
‘ proposals of the *South-sea* Company, but even be-
‘ fore the scheme was so much as communicated to me,
‘ and, as I have proved to your Lordships, was sold
‘ out again that very morning the *South-sea* Compa-
‘ ny were resolved to outbid the *Bank*, and carry
‘ their point at all hazards.

‘ My Lords, I have proved to your Lordships,
‘ that at the same time that I bought this stock in
‘ the *South-sea* Company, I bought very near the
‘ like value in the *Bank*, and continued it there af-
‘ ter I had sold out of the *South-sea*, which does not
‘ look like partiality to the *South-sea* scheme. I have
‘ shewn your Lordships, that immediately after the
‘ *South-sea* proposals were accepted, I bought into the
‘ *East-India* Company, and not into the *South-sea*
‘ Company, which is some proof that I had no great
‘ faith in their scheme, nor built upon it with a view
‘ to my own profit : But to make it more evident,
‘ that this scheme was not founded by me in that ini-
‘ quity as is supposed, and that I had not those
‘ views that are laid to my charge, I have shewn
‘ your Lordships, that I was not the original author
‘ or promoter of this scheme : I have proved by
‘ Sir *John Blunt*, that he first presented this scheme
‘ to my Lord *Stanhope*, soon after his Majesty’s re-
‘ turn from *Hanover*, in 1719. That my Lord
‘ *Stanhope*, sometime after, communicated this scheme
‘ to me, and desired me to talk with Sir *John Blunt*
‘ about it; and that accordingly, about the latter
‘ end of *December*, 1719, I desired Mr. *Clayton* to
‘ meet Sir *John Blunt*, and Mr. *Knight*, at my own
‘ house, to confer about it; which was the first
‘ time that I talked with Sir *John* upon that subject.

‘ So that, my Lords, it is most evident that the
‘ stock bought in the beginning of *December*, could
‘ not be bought with a view of gain from this
‘ scheme, as is suggested by the Commons in their
‘ paper,

‘ paper, since the very scheme itself was not commu-
‘ nicated to me ’till the latter end of *December* ; and
‘ taking all the other circumstances along with it,
‘ that have been explained to your Lordships, I am
‘ satisfied you must think, that the Commons could
‘ not have done me a greater service, than by stating
‘ this fact as the chief matter of their accusation,
‘ which hath given me this opportunity of clearing
‘ up some mistakes, and laying open some facts
‘ that were not known or understood before.

‘ Thus having cleared up this matter to your
‘ Lordships, I shall proceed to answer the next and
‘ last article laid to my charge, as it was delivered
‘ by the Commons to your Lordships, in which they
‘ give your Lordships an account of a transaction in
‘ their house, relating to the cancelling some accounts
‘ between Mr. *Hawes* and me. I do not find that
‘ the Commons made this a charge against me in
‘ any of their resolutions that night they committed
‘ me to the *Tower* ; but as this story had the greatest
‘ effect to inflame and raise a prejudice against me in
‘ their house, so I doubt not but that it is laid before
‘ your Lordships, in this solemn manner, with an ex-
‘ pectation that it should have the same effect in this
‘ house.

‘ My Lords, I know very well that many of my
‘ Judges in the other house, who acquitted me of
‘ every part of the charge brought against me, could
‘ not get over this slight, this ridiculous incident. I
‘ must own, my Lords, my conduct upon that oc-
‘ casion was not so calm and circumspect as my cir-
‘ cumstances required ; but it might have warmed a
‘ man of a much more even temper than myself,
‘ to see a most innocent action represented in such
‘ a suspicious light by the secret Committee, as to
‘ appear, in some measure, criminal : And be-
‘ sides this, my Lords, the order mentioned at the
‘ conference to have been made for me to produce
‘ these accounts, was introduced in such a manner,

‘ as might surprize and shock the most wary man
‘ alive ; to be attacked, as I was, entering the house,
‘ and before I was got to my place, in a most un-
‘ parliamentary method, and by an unprecedented
‘ motion, by one, who, of all men living, had
‘ the least right to make that demaad, and who
‘ could furnish, if he pleased, from his own books
‘ of accounts, more matter of inquiry, than all
‘ other Accountants put together. I should not
‘ have mentioned this, but that I see that transaction
‘ taken notice of in the paper delivered to your
‘ Lordships at the conference.

‘ The use that hath been made of this story, has
‘ been to inflame and stir up the minds of men to
‘ believe that there were the greatest secrets, the
‘ most criminal matters contained in these Books ;
‘ and that they were cancelled, or burnt, in order
‘ to destroy evidence. I own, my Lords, when this
‘ matter was pressed upon me in the house of Com-
‘ mons, I treated it with neglect and indifference, as
‘ knowing my own innocence, and not dreaming of
‘ the criminal and false construction that was after-
‘ wards put upon it: But since it has been so univer-
‘ sally understood to my prejudice, give me leave,
‘ my Lords, in this place, to return my thanks again
‘ to my accusers, that they have given me an op-
‘ portunity, before the supreme court of judicature
‘ of this kingdom, to clear up this matter, and to
‘ shew to the world, that there is nothing in this
‘ story, either criminal or suspicious.

‘ I thank my accusers, my Lords, for giving me
‘ this opportunity of shewing the world, that there
‘ is a vast difference between an examination taken
‘ before your Lordships, and an examination taken
‘ before the secret Committee ; for it may very pro-
‘ bably happen, that they may be mistaken in what
‘ relates to me, since every part of their report hath
‘ been either rejected or dropt by the house of Com-
‘ mons, which related to any other man living.

‘ I per-

‘ I perceive your Lordships took this matter first
‘ into your consideration, as observing the Com-
‘ mons to lay the greatest stress upon it. You have
‘ examined Mr. *Hawes* in the strictest manner, in
‘ relation to the nature of these accounts, and the
‘ manner of cancelling them.

‘ He has told your Lordships, *That there was no-*
‘ *thing criminal contained in those accounts ; that there*
‘ *was nothing in them relating to me as Chancellor of*
‘ *the Exchequer, nor to him as a director of the South-*
‘ *sea company, or as a receiver of the customs ; that*
‘ *there was nothing in them that could be construed a*
‘ *breach of trust ; nothing that could be called a combi-*
‘ *nation with the South-sea directors, or had any rela-*
‘ *tion to them ; nothing that could be called corruption,*
‘ *or any thing like it.* He says, *He bought some stock*
‘ *for me in December, 1719, but that it was sold*
‘ *again in three or four days after, for very small pro-*
‘ *fit : And lastly, he says, this stock was bought and*
‘ *paid for with my own money, and not with the pub-*
‘ *lic money, or the company’s money.* As to the man-
‘ ner of cancelling them, he says, *it was done in*
‘ *October last, before the King’s return, and long be-*
‘ *fore the Parliament met ; that I had long since passed*
‘ *my public accounts, viz. in April, 1720, that those*
‘ *accounts were passed at my pressing instances, in half the*
‘ *time that any of my predecessors had passed theirs ;*
‘ *that I had afterwards daily solicited him to have those*
‘ *private accounts made up and delivered, but that his*
‘ *affairs would not permit him to do it till October*
‘ *last ; that I had pressed him to deliver up these ac-*
‘ *counts, not only long before the stock fell, but before it*
‘ *rose ; that these accounts were cancelled, after I had*
‘ *given him a discharge, by a mutual consent ; and that*
‘ *he believes it was not done with a design to conceal*
‘ *them from this inquiry.*

‘ My Lords, this is the evidence of Mr. *Hawes* ;
‘ and I do not wonder that your Lordships were un-
‘ der some surprize, that a matter represented in so

‘ different light, and with which my enemies have
‘ made so much noise and clamour ; should, at last,
‘ come out as a fair and indifferent action, in which
‘ neither the public, nor any private person was con-
‘ cerned, and to have been done without a design of
‘ concealing or covering any fraud whatsoever.

‘ There is something, my Lords, I must observe
‘ to you upon this occasion, that makes me wonder
‘ how this transaction came to be so much insisted
‘ on, unless it was to inflame more than to convince ;
‘ and that is, my Lords, (as I humbly conceive)
‘ that in case these books had been in being, and
‘ there had been any thing criminal in them, or that
‘ might any way affect me to my prejudice, your
‘ Lordships would not, as you are a court of justice,
‘ oblige me to produce them against myself : This
‘ is a fundamental maxim in law, and has never
‘ been broke thro’ in the most violent and arbitrary
‘ times. And the house of Lords, in their inqui-
‘ ries in 1640, were so tender of this great principle
‘ of law and justice, that they made it a special in-
‘ struction to their Committees, that the Judges they
‘ had ordered to be examined, should not be exa-
‘ mined upon any thing to accuse themselves. And
‘ the Commons, during all the enormities of those
‘ times, never broke thro’ this rule, till they came
‘ to decide all things by the sword. And therefore,
‘ my Lords, if these accounts could not judicially
‘ be demanded of me, in case they were in being,
‘ and contained any thing criminal in them ; there
‘ can certainly be no crime in my having disposed
‘ of them as I thought fit, especially if it be confi-
‘ dered, that they were my own private books, no
‘ ways relating to me as a public Accomptant, con-
‘ taining nothing in them criminal, or affecting the
‘ interest of any other person.

‘ I know, my Lords, very well, that in the case
‘ of a deed destroyed, if a witness proves that there
‘ was in that deed any clause to the advantage of a
‘ third

‘ third person, or to the prejudice of him that de-
‘ stroyed it, such clause shall be construed in the
‘ strongest manner against the person that destroyed
‘ the deed.

‘ But this, my Lords, is not my case ; here is
‘ no evidence produced to prove any thing criminal
‘ in these accounts, but on the contrary ; so that in
‘ law and equity they would be taken as accounts sub-
‘ sisting in my favour, tho’ unadvisedly cancelled.
‘ Mr. *Hawes*’s testimony, relating to the accounts in
‘ these books, affords your Lordships another in-
‘ stance, that may satisfy your Lordships, that I had
‘ no view to the *South-sea* scheme in my transactions
‘ contained in those books since it appears by his
‘ evidence concerning the stock mentioned in them,
‘ that I parted with it, before the scheme took place :
‘ But let that be as it will, can any man call it a cri-
‘ minal circumstance to commit the papers, after
‘ they were cancelled, to the fire ? No, my Lords,
‘ it was a legal and an innocent action.

‘ Thus, my Lords, I have gone through every
‘ part of the charge against me, either as it has been
‘ stated by the Commons, or fallen under the exa-
‘ mination of your Lordships ; and I hope there is
‘ nothing omitted in my defence, that is necessary
‘ to prove my innocence to the satisfaction of
‘ all that hear me ; but if the least doubt remain
‘ with your Lordships, in relation to any one fact
‘ charged upon me, I beg I may have the opportu-
‘ nity, before I go from this bar, of clearing it up,
‘ which I do not doubt to do by the plainest proofs
‘ in the world.

‘ If therefore the charge of the Commons in the
‘ preamble of this bill, cannot be supported in any
‘ part of it, by any one fact whatsoever, can your
‘ Lordships ever be induced to consent to such parts
‘ of the bill as subject me to an arbitrary jurisdic-
‘ tion, and cruel and new-invented punishments ? My
‘ Lords, the laws are our birthright, and the guide

‘ and measure of all our actions ; but where is the
‘ law that I have broken ? Or, indeed, where is
‘ the crime, or the fact that is supposed to be a
‘ crime, and which is to be punished by a law made
‘ *ex post facto* ? A law, my Lords, that dispenses
‘ with the very forms of judicature, and sets up a
‘ tribunal unheard of before in any free country !

‘ I believe, my Lords, this bill is very little un-
‘ derstood by most of the gentlemen of the house of
‘ Commons ; and, perhaps, your Lordships may
‘ think the penalties of this bill less severe, at least
‘ in respect to me, than they are ; but your Lord-
‘ ships will give me leave to explain that matter to
‘ you in such a manner, that you may better judge,
‘ whether I have committed any offence equal to
‘ such severe and ignominious punishments.

‘ My Lords, as the bill now stands, all my per-
‘ sonal estate, and great part of my real estate, which
‘ belonged to me on the 1st of *June* 1720, or at any
‘ time since, is vested in the trustees, to be sold and
‘ applied to the uses of this act ; so that I am stript
‘ at once of every shilling but what is settled upon
‘ my family, and wherein I am but tenant for life.
‘ After this, my Lords, I am obliged to give 100,000 *l.*
‘ security by recognizance, with two other persons to
‘ be bound for me in 25,000 *l.* apiece, that I shall not
‘ depart the kingdom before a certain time. This was
‘ not the case of the directors, but is mine, that after
‘ my estate is taken from me, I am obliged to give
‘ security to the value of ten times more than I am
‘ worth. Is there a friend in the world that can be-
‘ lieve I am guilty of the least thing laid to my
‘ charge, that will be security for me in this situa-
‘ tion ? Or have I any counter-security to give, but
‘ the little stock of credit and reputation that this
‘ bill cannot take away ? But some gentlemen think,
‘ and my enemies boast, that they have been very
‘ bountiful to me, and they have made me easy. If
‘ that be the case, my Lords, what occasion is there
‘ to

‘ to suspect I should fly from my country, my
‘ friends, and my estate? But if my case be other-
‘ wise, if I am worse used than any of the directors;
‘ if I am more branded and exposed than any other
‘ person in this bill, who will not be apt to judge,
‘ from what has passed, that the same spirit that has
‘ brought me to this, may be carried to greater ex-
‘ tremity? Am I not by this bill, put into the pow-
‘ er of every villain, of this very broker here, whose
‘ evidence is his merits? Am I not obliged to live
‘ in the dread, and at the mercy of every informer
‘ like him? Others may think, and the directors,
‘ perhaps, may think, life under these circumstances
‘ to be tolerable; but to me, my Lords, there can be
‘ no comfort in it, but what my own innocence se-
‘ cures to me.

‘ There are some clauses in the bill that oblige
‘ me to give inventories of my real and personal
‘ estate, from such time, and in such a manner, as is
‘ impossible to be complied with, having never
‘ kept my accounts in such a method, as those that
‘ are bred up to trade and figures are used to do;
‘ and I believe very few gentlemen in the kingdom
‘ would, in their own cases, think this practicable.
‘ But if my accounts had been regularly kept, as I
‘ have no clerks or book-keepers to swear to them,
‘ so I do not know of what use it could be to pro-
‘ duce them to these trustees, in case they are minded
‘ to dispute them; for tho’ they are intitled only
‘ to the *Incrementum* of my estate since the 1st of
‘ *October* 1718, yet as they are to be vested with
‘ the whole of my personal, and great part of my
‘ real estate, and as I am to deliver up all my wri-
‘ tings, papers, and accounts to them, it is impossi-
‘ ble to make out any claim before them in any
‘ manner whatsoever. And, pray, my Lords, ob-
‘ serve the difficulties or absurdities of this case:
‘ Here is a court erected of nine persons, with ab-
‘ solute

‘ solute and unlimited powers ; some of these gen-
‘ tlemen, perhaps, have been accusers, but all of
‘ them are to be judges and parties ; my estate
‘ and my title is to be put into their hands, and
‘ then I am to claim what can never be made out
‘ but by the very writings in their possession.
‘ Was ever such a jurisdiction established upon
‘ earth before, where laws were in use ? No, my
‘ Lords, the original cause of all laws, and of ci-
‘ vil government, was to prevent men’s judging
‘ for themselves, and to oblige them to submit all
‘ disputable matters to indifferent parties : This is
‘ in a particular manner the basis of all our laws,
‘ and it is the only pillar by which justice and e-
‘ quity can be supported.

‘ But, my Lords, there is another circumstance,
‘ which, in the situation of my affairs, makes any
‘ claim impracticable ; that is, my Lords, the *onus*
‘ *probandi* lies, in a great measure, upon me ; which,
‘ in regard to my personal estate, is impossible,
‘ unless my judges are willing to be guided by the
‘ circumstances of my affairs, and my own testi-
‘ mony.

‘ For instance, my Lords, it appears to your
‘ Lordships, that there was an account between
‘ Mr. *Hawes* and me for seven years past, where-
‘ in most of my effects were contained, and he
‘ says about 30,000 *l.* *South-sea* stock was bought,
‘ before the scheme took place, with my own mo-
‘ ney : It appears by the paper delivered at the
‘ conference, that I bought by Mr. *Knight*, two
‘ months before the *South-sea* proposals took place,
‘ 22,000 *l.* *South-sea* stock, and had several other
‘ effects in his hands ; and Mr. *Surman* has
‘ proved that Mr. *Knight* told him, that he owed
‘ me a great sum of money long before this, hav-
‘ ing kept my cash for two or three years before,
‘ none of which can be supposed to be the increase
‘ of my estate since *October* 1718. How is it pos-
‘ sible,

‘ fible, my Lords, I can prove one word of it ?
‘ As to Mr. *Knight*, it is not expected I should
‘ produce him ; and as for Mr. *Hawes*, he says,
‘ those accounts are cancelled, and he has made no
‘ other entry of them. How is it possible, then,
‘ to prove any thing, especially to the satisfaction
‘ of my judges, who are also parties ? For it must
‘ be to their satisfaction, and not otherwise, the
‘ bill says, that my proofs must be made. If they
‘ are not pleased to be satisfied, then, indeed, I
‘ may appeal to another court erected for this pur-
‘ pose, *viz.* to the Judges in *Westminster-Hall*, who
‘ will expect legal evidence to maintain an appeal,
‘ which, in my case, my Lords, I have shewn, is
‘ not to be done.

‘ I cannot but take notice of one punishment
‘ more that seems to be oddly suited to that part of
‘ my accusation, relating to the cancelling of my
‘ accounts with Mr. *Hawes* : The Commons, for
‘ want of having that matter cleared up, as it has
‘ been before your Lordships, have thought that
‘ transaction a great offence ; and the punishment
‘ of that offence is, that I shall make up those very
‘ accounts which my accusers say are destroyed, and
‘ which are no more in being : Indeed I must own
‘ they have been so kind as to exempt me from all
‘ danger on this head for the future, by disabling
‘ me from having any more accounts to make
‘ up.

‘ Since I have spoke of disabling, My Lords, I
‘ beg leave to take notice of a clause that contains
‘ a new and dangerous punishment, that was late-
‘ ly added to this bill ; that is, my Lords, the
‘ clause for in capacitating the late sub-governor,
‘ &c. from sitting or voting in either house of
‘ Parliament, or from holding any office or place
‘ of trust under his Majesty, his heirs or succes-
‘ sors.

‘ My

‘ My Lords, I must presume to say, from some
‘ little incidents that have happened, this clause
‘ was not the punishment of a *South-sea* sin, and
‘ these unfortunate men were only thrown in, to
‘ make the draught go down the better. But
‘ how consistent this punishment may be with good
‘ policy and a free government, I submit to your
‘ Lordships consideration.

‘ Here are no less than thirty six fellow-subjects
‘ cut off at one stroke from the Common-wealth, and
‘ stript of the birth-rights and privileges of *Eng-*
‘ *lishmen*; I mention it to your Lordships as you
‘ are the guardians of those rights and privileges,
‘ that you may oppose an attempt in its first in-
‘ stance that seems to threaten our constitution,
‘ and shake even *Magna Charta* itself. No man,
‘ since we were a nation, has been so bold as to
‘ think of creating so dangerous a precedent, which,
‘ if it had been established sooner, had before this
‘ day exceedingly thinned the ranks of our ablest
‘ patriots.

‘ But, my Lords, if this bill must pass in any
‘ manner as to me, I am not concerned as to the
‘ effects of this clause. I say, if this bill pass, (as
‘ they say it must) my ambition is at an end;
‘ ’tis too late for me to begin the world again; but
‘ an ill-natured man would be pleased at his going
‘ off the stage, to leave this legacy to those that
‘ come after him.

‘ Precedents, my Lords will advance, and this
‘ precedent will not sleep. The violence of the
‘ times, and the rage of parties, is too great to
‘ drop a precedent so useful as this will be.

‘ I shall trouble your Lordships no more than
‘ to say, that if I must be sacrificed to appease the
‘ fury of the misguided multitude, I heartily wish
‘ it may have that effect, which will be some al-
‘ leviation to my misfortunes. But in vain have
‘ the guilty appeared against me! In vain have
‘ they

‘ they stirred up the nation for one man’s ruin ;
 ‘ my fall will screen or secure no man ; if I am in-
 ‘ nocent, there is nothing can make me guilty. Let
 ‘ the storm rage never so high at present, *Englishmen*
 ‘ will grow calm by degrees, and truth is great, and
 ‘ will prevail.’

This elaborate and pathetic speech carried more applause than conviction ; the generality of that august assembly being prepossessed, that Mr. *Aislaby* had a great share in the contrivance of the *South-sea* scheme : However, the Lords indulged him so far, as to order such other witnesses, as he had to produce, to be examined the next day ; and it was also ordered, that the directors of the *Sword-blade* company should then attend with their books.

Accordingly, on the 20th of *July*, the Lords, in a grand Committee, resumed the consideration of that affair, and examined the *Sword-blade* Company, and their books ; by which it appearing, that Mr. *Waller* had received vast sums on account of *South-sea* stock, their Lordships seemed to be so well satisfied, that they did not think fit to call for any other witnesses ; neither did Mr. *Aislaby* desire the members of the Commons, who had been summoned, should be examined. But being called in, and asked, what he had farther to say in his own defence, he made another eloquent and moving speech, as follows :

My Lords,

‘ **I** Have already endeavoured, and, I hope, with
 ‘ success, to satisfy your Lordships, that the
 ‘ charge laid against me in the bill now depending,
 ‘ cannot be supported by any general part of the
 ‘ preamble, nor by the particular facts stated by
 ‘ the Commons, nor by any evidence produced be-
 ‘ fore your Lordships.

Mr. *Aislaby*
 ‘s second
 speech

‘ As

‘ As your Lordships have examined all the witnesses recommended by the Commons to support their charge, I did conclude, when I came hither this day, that after what I said yesterday, I should not be called upon to offer any thing more in my justification.

‘ But now, my Lords, I find here is a new matter started relating to Mr. *Waller*’s account with the *Sword-blade* company, which is not within your Lordships order ; that confines me to such matters only as relate to my own defence.

‘ I have been a little surprized and silent upon this occasion, not knowing whether your Lordships expected, or whether it was fit that I should take any notice of it ; for as the Commons have not transmitted this matter to your Lordships, as a ground of their charge, I take it for granted, they did not think it worth your Lordships inquiry, or proper for your judgment, being rather a matter of clamour, and only calculated for the people.

‘ I must own, my Lords, if it is expected I should give an account of this transaction, I am at a loss to know how to go about it.

‘ For, first, I do not know the contents of this account, and, in the next place, how shall I make it bear to my charge, or any part of it ? How is it made out to be a breach of trust in the Chancellor of the *Exchequer*, to credit his son-in-law with any sum of money ? Or how has he thereby combined with the *South-sea* directors in their pernicious practices ? Or how could he, in such an act, be guilty of dangerous and infamous corruption ? There has nothing appeared to your Lordships concerning this transaction, but the sum total of the whole account in such a time : and it may happen, that a great part of this transaction has no relation to *South-sea* stock, and

‘ and that a tenth part of it does not belong to
‘ me.

‘ But where are my labours to end? How is it
‘ possible, my Lords, for me to dress up this matter
‘ to be a charge against myself? It is to be ima-
‘ gined, I suppose, that all these transactions have
‘ been upon my account, and consequently, that
‘ I must have been a great gainer.

‘ I pity the malice of my enemies, that are re-
‘ duced to such poor shifts, as to endeavour to
‘ prove my deep views and designs, from the most
‘ stupid folly in the world, and my riches and ex-
‘ orbitant gains from this instance, and another
‘ which I shall presently mention to your Lord-
‘ ships, that plainly shew my losses.

‘ For is it possible, my Lords, that a man, who
‘ is supposed to know the world, that is thought
‘ capable of forming a scheme, and of directing
‘ the very directors, should be so destitute of pro-
‘ per agents, as to trust his negotiations to an un-
‘ experienced youth, who by his transactions,
‘ seems to have dipt as much in the whims of the
‘ alley as any adventurer of them all? The ab-
‘ surdity is too great, my Lords, to gain credit
‘ any where, much less in this place, that one, up-
‘ on whom the eyes of the world were fixed, and
‘ whose actions might be canvassed with great se-
‘ verity, should, in order to conceal his affairs,
‘ commit them to a near relation, acting in the
‘ most open and unguarded manner.

‘ And as my apprehensions, during the execu-
‘ tion of this scheme, were become remarkable,
‘ and the jest of all that embarked in it, there can
‘ be nothing more extravagant than to make me a
‘ party to this gentleman’s transactions, which
‘ were visibly carried on with a spirit very differ-
‘ ent from mine, and which, from the nature of
‘ them, seem to be the effect of rash counsels, and
‘ suited to the frenzy of the times.

‘ Mr.

‘ Mr. *Waller*, my Lords, is a near relation, but
‘ intirely independent of me, and who consulted
‘ me less upon this occasion, than any other man,
‘ whereof this transaction with the *Sword-blade*
‘ company is the strongest evidence: For, as he
‘ has told your Lordships, that I never knew of
‘ this account, or his keeping his cash there till
‘ they broke; so it is improbable I should trust all
‘ my affairs to his management, who dealt with a
‘ company in whom I never had any faith, nor
‘ with whom I ever had any dealings.

‘ As to the greatness of this transaction, I must
‘ own, my Lords, if the memory of this year
‘ could be obliterated, it might very well surprize
‘ us; but I must observe to your Lordships, that
‘ this Sum of 700,000*l.* is not the balance of the
‘ account at any one point of time, as is generally
‘ understood, but the total amount of several sums
‘ paid and repaid many times backward and for-
‘ ward, and sometimes great part of it the same
‘ day. And any person used to accounts must
‘ know the 40th part of this sum, was more than
‘ sufficient to answer the whole sum of 700,000*l.*

‘ Many of your Lordships know the truth of
‘ what Mr. *Waller* has told you, viz. that a great
‘ many young gentlemen, and others, (whose be-
‘ ginning was not so considerable as Mr. *Waller*’s,
‘ who had a very good real and personal estate be-
‘ fore the *South-sea* scheme was thought of) have
‘ transacted for as much as he did. Nor does it
‘ follow from the greatness of the transaction,
‘ that the profit was extraordinary, since many
‘ have dealt for greater sums than this, whose for-
‘ tunes are far from being improved; and it is
‘ very plain, that 10,000*l.* stock, not stirred at
‘ all, till sold out at the best advantage, would
‘ have brought more profit, than all these nume-
‘ rous transactions put together.

‘ My

‘ My Lords, I am very free to own, that
‘ 53,000 *l.* of this sum belonged to me, great
‘ part whereof is now locked up in the *Sword-*
‘ *Blade* company, and depends upon the goodness
‘ of their security ; and I am far from declining to
‘ give your Lordships the most perfect account I
‘ can of all my transactions, notwithstanding Mr.
‘ *Waller* is not able to do it, who never kept any
‘ regular accounts that ever I saw, but did every
‘ thing in the same hurry and confusion, as most
‘ other young gentlemen at that time did.

‘ I do not perceive that your Lordships have
‘ entered into the examination of this account any
‘ farther than to know the sum total, which has
‘ not yet taken up much of your Lordships time,
‘ notwithstanding the gentlemen of the secret Com-
‘ mittee have employed much pains in it, and
‘ have display’d it as a discovery of my immense
‘ gains, and a transaction intirely belonging to
‘ myself.

‘ My Lords, it is very hard, that against all
‘ evidence, against all truth, and every circum-
‘ stance that conduces to it, such an insinuation
‘ should proceed from any one man, or Commit-
‘ tee of men, to the prejudice, or ruin, of an in-
‘ nocent person.

‘ I dare say, my Lords, they had no other
‘ grounds in the world for it, but the vain pre-
‘ sumption from Mr. *Waller*’s near relation to me,
‘ that he acted solely for me ; whereas it now ap-
‘ pears to your Lordships, by Mr. *Waller*’s evi-
‘ dence, that he acted for many other friends as
‘ well as for me, and that I was not so much as
‘ privy to the accounts he kept with the *Sword-*
‘ *Blade* company.

‘ Is it then possible, my Lords, that your Lord-
‘ ships should give way to so groundless a suppo-
‘ sition, as that all this account should belong to
‘ me ?

‘ My Lords, if this way of proceeding had been
‘ the general rule of judging in the cases of others,
‘ the secret Committee might have carried on their
‘ inquiries against many in the administration,
‘ with much more justice and certainty than against
‘ me; and they might, if they had thought fit,
‘ from the dealings of several agents, friends, and
‘ dependents, who dealt for much more than Mr.
‘ *Waller*, have furnished matters of imputation a-
‘ gainst persons, concerning whom they are alto-
‘ gether silent, and if it had not been too invidi-
‘ ous in me, my Lords, to have asked the questi-
‘ on, Mr. *Waller* could have named to you some
‘ persons, who had less foundation of their own
‘ than himself, and who yet have transacted for
‘ much more, and who have the honour to be
‘ known to some of the secret Committee, as well
‘ as to much greater men than myself.

‘ But, my Lords, as I am confined to what on-
‘ ly relates to myself, give me leave to say, that
‘ this account of Mr. *Waller*’s with the *Sword-*
‘ *blade* company, and the account of stock bought
‘ and sold by Mr. *Weymondfold*, have been the
‘ chief grounds of my accusation, or rather
‘ of the public clamour; tho’ of the whole ba-
‘ lance of this account of Mr. *Waller*’s when
‘ truly examined, there is but 53,000*l.* belongs
‘ to me; and Mr. *Weymondfold*’s great account of
‘ 77,000*l.* stock, when fairly stated, is reduced
‘ to 12,000 *l.* stock, now in my hands. It was
‘ impossible to work people up to such violent and
‘ extraordinary proceeding, without first raising
‘ the public envy and resentment. It was there-
‘ fore thought necessary to make the world be-
‘ lieve, that I was immensely rich, and that I had
‘ gained my wealth from the spoils and ruin of the
‘ unhappy sufferers: It was necessary to make the
‘ world believe, that the scheme was calculated by
me

me with that view, and that I had the sole conduct of it, or, according to the witty turn of a very learned gentleman, that I was the director of the directors.

As the opinion, my Lords, of my exorbitant gains has almost universally prevailed, be pleased to give me leave to explain how a report, so artfully raised and dispersed about the nation, came, at last, to be strengthened, and, as it were, sanctified by authority of the House of Commons.

The secret Committee, who were appointed to inquire into these proceedings, had, with great pains and application, examined and searched into every thing; but before they could be ready to lay any great discoveries before the House, in order to satisfy the impatience of gentlemen in some manner, and to give a specimen of their labours, an honourable member of that Committee stood up, and pronounced in his place, that he had found out above ten millions that belonged to the directors, and, by way of supplement, above a million and a half more that belonged to another gentleman, whom he did not think fit to name at that time. This hopeful beginning gave much satisfaction to those who delight in great discoveries, and raised the expectation of all his hearers: But so dull was I, as not to find out that I was concerned in this description, 'till every libel, and every news paper was full of it.

But what did these vain promises amount to? Your Lordships have seen what the directors have produced, and how far short it falls of this romantic account: And as for myself, the object of this solemn inquiry, I doubt I shall not contribute much, tho' this bill should pass, to raise the reputation of the secret Committee in these wonderful discoveries.

‘ Thus, my Lords, I have cleared my way
‘ through all the dirt and scandal that hath been
‘ thrown upon me; I shall now beg leave, my
‘ Lords, to lay before you a short narrative of
‘ the rise and progress of this scheme, and the
‘ execution of it, after it passed into an act, as far
‘ as has come to my knowledge, that your Lord-
‘ ships may judge whether I have done my duty,
‘ or have been guilty of any omission.

‘ My Lords, I have proved by Sir *John Blunt*,
‘ that he first communicated his scheme to the
‘ late Lord *Stanhope*, soon after his Majesty’s re-
‘ turn from *Hanover*, in 1719, that my Lord
‘ *Stanhope*, some time after, sent this scheme to
‘ me, and desired me to talk with Sir *John Blunt*
‘ about it, which I did in the presence of Mr.
‘ *Clayton* and Mr *Knight*; that there were several
‘ alterations made in this scheme, and particularly,
‘ in one part of it relating to the funds of the
‘ *Bank* and the *East-India* Company, which were
‘ proposed to be incorporated into the funds of the
‘ *South-sea* Company.

‘ And, at last, the scheme was formed and
‘ agreed to by all those in the administration, as it
‘ was first opened and proposed in the house of
‘ Commons. And I do aver here, before your
‘ Lordships, that there was not one step taken in
‘ this affair, before it passed into an act, that was
‘ not taken by the concurrence and approbation of
‘ those in the administration, and even some of
‘ the secret Committee: And so cautious and diffi-
‘ dent was I of the success of so great an under-
‘ taking, that though the scheme was adapted to
‘ the notions and opinions of those Gentlemen,
‘ who, for two sessions before, had opposed all
‘ measures for reducing the interest of the public
‘ debts, till the long annuities were made redeem-
‘ able; yet I would not adventure to introduce it
‘ to the house of Commons, till it had been com-
‘ municated

‘ municated to, and approved of by them : And
‘ as this scheme was then calculated with no incon-
‘ siderable advantages to the public ; as it at once
‘ raised three millions and a half towards the dis-
‘ charge of the public debts ; and, at the same
‘ time, put the long and short annuities into a
‘ state of being redeemed ; and, after four years,
‘ reduced the interest of the whole debt of *England*
‘ to 4 *per cent.* and thereby made a vast addition
‘ to the sinking fund ; I flatter myself, it could
‘ not have been thought a bad bargain to the pub-
‘ lic, as some were pleased to represent it, or lia-
‘ ble to those unhappy consequences that have at-
‘ tended the alteration of it, since it would have been
‘ restrained and tied down to such conditions, as
‘ would have made it impossible for any projectors
‘ to have hurt us.

‘ But, my Lords, these measures were all broke
‘ at once, by a sudden resolution of the Bank, who
‘ before, had shewn a great backwardness in under-
‘ taking any thing for the reducing the public debts,
‘ and had treated this scheme with great contempt ;
‘ I say, my Lords, as soon as this scheme was o-
‘ pened in the house of Commons, the Gentlemen
‘ of the Bank were immediately stirred up to become
‘ competitors for it, and to desire that they might
‘ be suffered to offer proposals as well as the *South-*
‘ *sea* Company.

‘ It was very easy to see the consequences of this
‘ competition ; and I expressed my fears to all
‘ those in the King’s service that were consulted
‘ about it ; and we had a meeting, where the Lords
‘ of the Treasury, and those in the administration,
‘ were present, in order, as Sir *John Blunt* says,
‘ to persuade the *South-sea* company to advance
‘ their proposals, and to offer four millions cer-
‘ tain : It was then, my Lords, that I again ex-
‘ pressed my fears of this undertaking, and declar-
‘ ed, that I did not see how the *South-sea* Com-

pany could go through with it, if they were to give any more money for it, without the assistance and concurrence of the bank, and much less if the bank opposed them; and upon this, I proposed to the *South-sea* company that the scheme should be divided between them and the Bank, which drew from Sir *John Blunt* this memorable saying, *No, Sir, we will never divide the child.* For my part, my Lords, upon this occasion, I was entirely for dropping it; nor could I be prevailed upon, by those that pressed me very warmly, to have any thing more to do in it; and when a certain Gentleman of the secret Committee, at the instance of an honourable Gentleman that is since dead, moved the house, that the Committee might be opened again, to receive fresh proposals from the two companies, and, as it were, to set up the nation to auction, I was so far from approving it, or giving my consent to it, that I quitted the house upon it, and would not be present when it was moved. This, I think, was shewing my dislike of it, as far as I could decently do it, in respect to my fellow-servants, from whom I differed; and I defy any man to prove, that from that day, till the last proposals of the *South-sea* company were actually accepted by the house of Commons, I ever spoke to, or conferred with, or advised any one of the directors of the *South-sea* company, to bid a shilling more than they had done; and if they did advise with any in the administration about these last proposals, it was either at my late Lord *Stanhope's*, or at Mr. Secretary *Craggs's*; for they never came to my house afterwards, till the bill was drawn. And, my Lords, to shew you my dislike of this fatal transaction, (since all the arguments against me are drawn from interest) I must acquaint you, that

‘ that the night before these proposals were offer-
‘ ed to the house of Commons, I was told at my
‘ Lord *Stanhope*’s, that some of the *South-sea* com-
‘ pany had been there, and that they were resolv-
‘ ed to out-bid the Bank at any rate. To this,
‘ my Lords, I then declared my dislike, and gave
‘ orders that night to sell out all my *South-sea*
‘ stock, (except 20,000 *l.*) which was actually done
‘ the next morning, and which makes so great a
‘ figure in *Weymond*’s account. Thus, my
‘ Lords, if we were to judge from interest, I could
‘ not be thought partial to the *South-sea* company’s
‘ proposals, when I had so little stock with them,
‘ and so much in the Bank; and, my Lords,
‘ there is nothing more notorious, nor which can
‘ be proved by more witnesses, than that I did
‘ not go out to the directors that morning, to ad-
‘ vise them to out-bid the Bank, (as Sir *John*
‘ *Blunt* would insinuate, though he has been con-
‘ tradicted in it by Mr. *Joye* and others) but that
‘ I sat still in my place in the house of Commons,
‘ till the proposals were received, expressing my
‘ dislike of them to all those about me, and
‘ publickly declaring in the house, that I
‘ thought both the corporations had out-bid them-
‘ selves.

‘ Thus was this scheme accepted, and, as Sir
‘ *John Blunt* says, become the act of the house of
‘ Commons; and, as it was their act, it was my
‘ duty, by the nature of my office, to see the bill
‘ drawn and brought in accordingly.

‘ My Lords, there was something very extra-
‘ ordinary in the consequence of this affair, that
‘ the more the *South-sea* company were to pay to
‘ the public, the higher did their stock rise upon
‘ it: Whether this proceeded only from the di-
‘ stemper of the times, that afterwards broke out
‘ into such a flame, and which was kindled by

‘ the opposition of the Bank, and the value they
‘ set upon the scheme, by bidding so high for it ;
‘ or from what other cause I cannot tell ; but
‘ from that time it became difficult to govern it ;
‘ and let those Gentlemen that opened the flood-
‘ gates, wonder at the deluge that ensued, as much
‘ as they please, it was not in one man’s power,
‘ or in the power of the whole administration, to
‘ stop it, considering how the world was borne
‘ away by the torrent, and particularly by the mem-
‘ bers of the House of Commons : And I will be
‘ bold to say, my Lords, and the Gentlemen of
‘ the Bank, I believe, will own, that if they had
‘ carried the scheme upon their last proposals,
‘ they could not have executed it with success ;
‘ and I will shew your Lordships from what they
‘ have done since, that they would have acted in
‘ the same manner as the *South-sea* company hath
‘ done, and I am sure with more fatal consequences
‘ to the public.

‘ Thus, my Lords, was this bill past, and what-
‘ ever conditions, or restraints might have been
‘ put upon the *South-sea* company, if the first
‘ proposals had been accepted, they became now
‘ impracticable ; nor would the *South-sea* company
‘ submit to be controuled in an undertaking they
‘ were to pay so dear for. And notwithstanding
‘ it has been said, that the scheme could have been
‘ executed at 150 ; yet Mr. *Gibbon* has told you,
‘ and so will all the other directors, that they
‘ would not have undertaken to have given so
‘ much as five millions, if they had been restrain-
‘ ed from selling their stock higher than at that
‘ price. And therefore, as there was no power
‘ reserved to the Treasury to controul the directors
‘ in the execution of their scheme ; and as there
‘ were such vast advantages to accrue from it to
‘ the public, there was nothing remained for the
‘ Treasury

‘ Treasury to do, but to give them all the assistance
‘ they could, and particularly, what the law had
‘ provided for them.

‘ For this reason, my Lords, the Exchequer
‘ notes were issued to them, though at that time
‘ their stock was high, and perhaps they might
‘ not want them very much, since it was easy at
‘ that time for them to raise what sum they pleased
‘ by subscriptions.

‘ But as they were entitled to those notes, and
‘ as they were demanded of the Treasury according
‘ to law, the commissioners of the Treasury could
‘ not be so indiscreet, as to refuse them, without
‘ taking upon themselves the blame of any mis-
‘ carriage; and it is very plain, that the wisest of
‘ the directors, who saw their stock carried to that
‘ monstrous height, where it never could be sup-
‘ ported, were apprehensive of the consequences of
‘ it, and were looking out for every pretence to
‘ lay the blame upon the administration.

‘ But though I was always upon my guard in
‘ this point, yet I do declare, I never was want-
‘ ing to serve and assist them to the utmost of my
‘ power.

‘ And though perhaps, my Lords, it was in
‘ the power of the Treasury, if they would have
‘ taken upon them what did not belong to them,
‘ to have run down the stock; yet considering the
‘ Parliament was then sitting, the greatest part
‘ whereof were deeply engaged in it, it had been
‘ a bold undertaking for the Treasury to have at-
‘ tempted to have brought down the stock, and
‘ must have drawn upon themselves the rage of all
‘ the sufferers, and sure destruction.

‘ This unhappy affair, my Lords, began at a
‘ time when the passion and avaricious desires of
‘ mankind were grown up to a madness and a di-
‘ stemper, and one cannot without pity look back
‘ upon the rage and folly of the year.

‘ The

‘ The unaccountable success of this undertaking
‘ gave birth to many base and ruinous projects ;
‘ and it must ever be a public reproach, that encour-
‘ agement was given to those two bubbles that
‘ were established to raise a supply for the support
‘ of the civil list ; it is very well known that those
‘ two projects did not proceed from me.

‘ Whatever opinion the world may have of the
‘ *South-sea* scheme, I will presume to say, these
‘ two projects were founded in greater iniquity, and
‘ contributed more to the public calamity than any
‘ thing else.

‘ After this, my Lords, I may venture to say, the
‘ *South-sea* scheme was become ungovernable ; and
‘ some of the wisest of the directors were so sensible
‘ of it, that to do them justice, I must declare, they
‘ came to the Treasury, and offered to advance the
‘ money for the civil list upon sure and easy terms,
‘ rather than that those bubbles should take
‘ place.

‘ But though the Treasury were provided with
‘ ways and means for the supply of the civil list,
‘ without the help of either ; yet those projects, and
‘ others had taken such deep root in the house of
‘ Commons, and elsewhere, as made it impossible
‘ to oppose them ; and they had that consequence
‘ which the directors of the *South-sea* Company
‘ foretold, and which every body might foresee,
‘ viz. to increase the flame, by adding this unneces-
‘ sary fuel to it.

‘ And as the *South-sea* scheme might give birth
‘ to the bubbles, so the bubbles contributed to raise
‘ the *South-sea* Company to that height which
‘ brought us into this condition.

‘ My Lords, I must not omit in this place to
‘ take notice, that this spirit of bubbling had pre-
‘ vailed so universally, that, to shew you what
‘ would have been the case if the Bank had ob-
‘ tained

‘ tained the scheme, the very Bank became a bubble ; and this, my Lords, was not by chance or necessity, or from any engagement to raise money for the public service, but from the same spirit that actuated *Temple Mills*, or *Garraway’s* fishery. For this purpose, my Lords, they entertained a scheme, in imitation of the *South-sea*, of lending money upon their stock, which as it contributed to raise the price of their own stock, so it furnished a supply of cash to the gamesters in the Alley, that at once pushed up the bubbles and the *South-sea* to an immoderate height. But as this was intended chiefly to advance their own stock, let the project come from what hand soever, it was founded in the same iniquity with any other bubble, and was of ten times more dangerous consequence : For as Bank stock was raised by it from 150 to 245, and as it has fallen from thence to 130, there have been many millions lost upon it ; besides the fatal consequence it had like to have had upon the public credit : For, for want of this money, which was locked up in *loans* upon their own stock, and could not readily become at, they were at a loss when the crush happened, and were forced to have recourse to a subscription, supported chiefly by the adventurers of the *South-sea*, and to a memorable bargain with the *South-sea* Company.

‘ And here, my Lords, whilst I am speaking upon this subject, give me leave to lament the fate of the unhappy proprietors of the redeemable debts, that were drawn in to subscribe their respective estates, not so much from the arts of the *South-sea* directors, as from the fatal influence and example of some of the chief managers and friends of the Bank ; who, though they now make the greatest clamour for justice, were the
‘ first

first that subscribed the redeemables into the *South-*
sea Company; and this, my Lords, they did not
 do by surprize or mistake, but upon great delibe-
 ration; having some time before prepared for
 this subscription, and purchased great part of this
 debt at advanced prices for this purpose. And
 there are some of these Gentlemen, and even
 some of my accusers, that purchased the redeem-
 ables, who thought me extremely silly for advi-
 sing them against endeavouring to make their for-
 tunes by this project. And it is likewise very re-
 markable, my Lords, that a letter was produced
 to the House of Commons, under the hands of
 the chief directors of the Bank, whereby they made
 the most early application, and in the most hum-
 ble and abject terms, to their most determined
 enemy, Sir *John Blunt*, to be admitted to this
 subscription. It was no wonder then, that the
 wisest and most cautious of their admirers went
 along with them, and much less that the crowd
 should be led into this fatal error, by their ex-
 ample.

I do not say this, my Lords, to lay any blame
 or imputation upon the Bank, but to shew your
 Lordships, that this grave and cautious body of
 men were touched with the infatuation as well as
 others; and that some of their greatest friends,
 and the loudest complainants, were, in spite of
 all advice, the greatest pushers in this chimerical
 project.

I must own, my Lords, I was pretty much
 surprized to see this work going on; but as the
 act of Parliament had intirely divested the Trea-
 sury of all power and controul over the *South-sea*
 directors, in respect to the redeemable debts, we
 could be only spectators of this melancholy scene.

Of this the Company was not ignorant, and
 therefore did not think fit to consult me, or any
 of

‘ of my brethren, about it, but hurried it on to execution at once. They knew their power too well, and were too much elated with their prosperity, to think of consulting with the Treasury upon that occasion ; and to shew your Lordships, how vain it had been for the Treasury to have interposed, and of what little weight the Chancellor of the *Exchequer* was at that time with these gentlemen, before the Treasury was adjourned, I waited upon some of the directors at the *South-sea* House, to know if they had any commands for the Treasury ; I, indeed, took the liberty to recommend to them, in a particular manner, the expediting the duplicates of the subscriptions of the redeemable and irredeemable debts, that the proprietors might have their stock in their own hands as soon as possible ; but I found them too busy in making their loans, and squandering away the company’s money, to mind such trifles ; and so I was dismissed by Sir *John Blunt*, with leave to go into the country. Such was the pride of this mighty projector at that time, to whom so many have bowed and sued for favours !

‘ We have lost the memory of every thing, if in so short a time it can be forgot, how the eyes of the world were turned from the Treasury, and the chief Ministers of State, to this great oracle, whose word (as Sir *Theodore Janssen* says) was a law to the company. To him we owe every motion, and every desperate step that was taken in the execution of this scheme ; and therefore I cannot help saying, that the countenance which has been shewn him in another place, is due to a merit, that has not been made known to the public.

‘ But this glory, my Lords, did not last long, and I was scarce got down in the country, when I was called back by the cries of those concerned in this unhappy company. I found the Lords and others in the administration met, and using their
‘ endeavours

endeavours to succour and support the stock. The bank by their mediation was called in to the assistance of the *South-sea* company, and an agreement was made between the two companies, to which I was rather a witness than a party.

This gave some life to their stock, and stopped the mouths of the redeemables, who were grown very clamorous. I must own the just concern I had at that time, and shall always retain for this great body of the public creditors, and I was pleased to see them so well satisfied with the bargain the Bank had made for them, and for themselves, upon whom they pinned their faith so absolutely. And for my part, I (who was not in the secret) could not but think it a real and sincere bargain, since it was made in so solemn a manner between a committee of both companies, in the presence of many Lords and Gentlemen in the administration, confirmed and ratified by the court of directors of each company, and at last signified in form to the commissioners of the Treasury, by Sir *John Cope*, one of the directors of the Bank.

I could not suspect there was any intrigue, or deceit in this transaction, 'till I saw, from the extraordinary motions in the Alley, and several private hints that were given out, what was intended. I could not think it possible that the gentlemen of the Bank, who had such great interest in the redeemables themselves, should drop so many thousands of the unhappy proprietors, who had depended so intirely upon them, and who would certainly have found their way out of this cursed labyrinth, if they had not been lulled asleep by this fallacious agreement.

As for me, my Lords, I was thoroughly satisfied that this agreement of the Bank was a legal and a firm bargain? And I cannot yet imagine with what face of justice, or equity, they could ever break thro' it, without providing for the safety
of

‘ of their wards, (if I may use that expression) the
‘ proprietors of the redeemable debts.

‘ Whilst that bargain subsisted, and whilst the
‘ great frauds and embezzlements of the *South-sea*
‘ Company’s money were concealed, at least from
‘ me; and whilst loans as yet were not remitted by
‘ the house of Commons, I did not think these pro-
‘ prietors had so ill a bargain, or could be so great
‘ sufferers as now I find they are: For this reason,
‘ my Lords, with much reluctance, and after all the
‘ delays that could be made, in order to give these
‘ gentlemen the opportunity to withdraw their sub-
‘ scriptions, if they thought fit, we did sign the in-
‘ strument to the *Exchequer*, as the law directs, and as
‘ we thought ourselves bound to do: But there was
‘ that caution used, that after we had sent the dupli-
‘ cates back to the *South-sea* House to be corrected,
‘ and in order to give these gentlemen time to look
‘ about them, there was not one person that pursued
‘ the law, or made use of the known method of re-
‘ voking his powers, given by letters of attorney,
‘ that was not relieved; and so far were the proprie-
‘ tors indulged by favour of the Treasury, that every
‘ person who entered his protest there, had his claim
‘ satisfied by the *South-sea* Company, before the du-
‘ plicates were allowed, and the instrument signed.
‘ But after all this, my Lords, I must declare, that
‘ as I had no design of forming a power upon their
‘ ruin, so no views, or solicitations upon earth, should
‘ have prevailed with me to conclude them in their
‘ properties, if I had thought the Bank would have
‘ dropt them, and withdrawn themselves, or that the
‘ loans would have been remitted.

‘ My Lords, I heartily lament the misfortunes of
‘ those, who being drawn in by others, had not the
‘ opportunity, or skill, to relieve themselves; but
‘ for those, my Lords, that were learned in the law,
‘ or at the head of the law, and who by their ex-
‘ ample, and perhaps authority, drew others into this
‘ misfortune,

‘ misfortune, I am not concerned if they are punish-
‘ ed for their folly, in purchasing these debts, in
‘ order to subscribe them in with a view to their own
‘ exorbitant profit ; and no man can pity them that
‘ crowded in with so much precipitation, and who,
‘ after so much time for recollection, had not law
‘ enough, in so known a case, to find their way out
‘ again.

‘ I do not intend, my Lords, by what I have
‘ said, to lay any imputation upon the Bank of *Eng-*
‘ *land* ; for, as in all great bodies, there are few that
‘ are let into the secret, I suppose it might so hap-
‘ pen here ; but if what I have heard since be true,
‘ and what they say has been publicly avowed, that
‘ this bargain was never intended to be kept ; then,
‘ I say, it was not only a useful secret to those that
‘ were in it, but the most compleat stratagem of the
‘ whole year.

‘ But whoever have contributed to the misfortunes
‘ of the redeemable creditors, sure I am, their de-
‘ struction cannot justly be imputed to me ; since I
‘ have only, as one of the commissioners of the
‘ Treasury, complied with the law, where I heartily
‘ wish they may find what relief is due to them.

‘ If I may be allowed, my Lords, to take notice
‘ of another body of unhappy sufferers in this com-
‘ mon calamity, I believe I shall easily gain credit,
‘ if I assure your Lordships, that I have nothing to
‘ answer for, with respect to the money-subscribers.
‘ There is not one man in the kingdom that can lay
‘ his misfortunes, on that account, at my door. No-
‘ body can say, that I advised, or encouraged him
‘ in those adventures ; there are letters to be pro-
‘ duced, that would make my enemies ashamed, even
‘ some of the secret Committee themselves, of their
‘ humble solicitations for those favours.

‘ As to the proprietors of the old stock, they have
‘ no reason to complain of me ; I have not robbed
‘ them by loans for myself, or any of my friends ;
‘ and

‘ and as all the witnesses that have been examined,
‘ have intirely acquitted me, of advising, or being
‘ privy to any of these loans, so I challenge all the
‘ world to prove that I ever recommended any one
‘ man to the company, to partake of them. And
‘ if I had those avaricious views that are suggested,
‘ I must have mistaken my way very much, and
‘ have been little in the secret, not to have secured a
‘ good share of the public spoils out of these un-
‘ warrantable loans.

‘ But as these loans, and the directors buying their
‘ own private stock for the company, with the com-
‘ pany’s money, were the chief, if not the only
‘ causes, of our misfortunes, and the ruin of the pub-
‘ lic credit; so my Lords, the directors, I mean
‘ those that were in the secret, were so far from con-
‘ sulting me, or any of the commissioners of the
‘ treasury, upon either of these occasions, that not-
‘ withstanding my endeavours to know the state of
‘ their cash and credit, they kept it as the greatest
‘ secret from me, and guarded more against me,
‘ than against any other man living. Nor could I
‘ ever learn from Mr. *Knight*, what those loans a-
‘ mounted to, or upon what security they were lent,
‘ notwithstanding others were let into that secret,
‘ ’till the accounts thereof were laid upon the table
‘ of the House of Commons. Thus, my Lords, I
‘ conceive I have given you full satisfaction as to
‘ every thing that hath been laid to my charge, or
‘ that I can even suggest against myself, without the
‘ help of my prosecutors; but if any doubt remain
‘ with your Lordships, in relation to my defence;
‘ or if there be the least circumstance that is not clear-
‘ ed up, I beseech your Lordships that I may know
‘ it, before I withdraw.

‘ My Lords, I now perceive you Lordships do
‘ not think it necessary that I should take up any
‘ more of your time; and therefore since I have
‘ gonethro’ my whole charge and your Lordships are
‘ pleased

‘ pleased to require no farther satisfaction, give me
‘ leave to say, before I conclude, that notwithstanding
‘ ing the weight of publick clamour, and the strictest
‘ and most torturing inquiry that any one man has
‘ ever undergone, it is an unspeakable happiness that
‘ I have set my innocence in so clear a light; and it
‘ is surprizing, beyond any thing that ever happen-
‘ ed, that among so many unfortunate men, who
‘ whose fate I am tacked by this bill, and who
‘ have been examined particularly against me, un-
‘ der all the terrors of death and confiscation, and
‘ under all the temptations that could be thrown in
‘ their way, there is not one of them that has accused
‘ me, but, on the contrary, they all have intirely
‘ acquitted me.

‘ This, my Lords, I must call a deliverance;
‘ this will make me bear the worst of punishments
‘ without shame. This is such a trial that no one e-
‘ ver past thro’ before; and I heartily wish, that the
‘ worst of my enemies may, in their day of trial, af-
‘ ter such a prosecution, and such an inquiry, be
‘ able to make their innocence abide the test as well
‘ as mine has done. I have made no base submis-
‘ sion, no unworthy applications to any man, not-
‘ withstanding the vanity of one of the secret com-
‘ mittee. My innocence has been my only screen,
‘ and your Lordships justice is my refuge.’

Having thus spoken, he withdrew, and the que-
stion being put, that there was sufficient ground to
have his name continued in the directors bill, it
was carried in the affirmative, after a debate, in
which several Lords spoke in behalf of Mr. *Aisla-*
lie, and so he was remanded to the Tower.

The next day the Lords heard Sir *Constantine*
Phipps, and Mr. *Williams*, counsel upon the peti-
tion of the executors of the late Mr. *Craggs* Se-
nior, and then called in, and examined severally,
Sir *George Caswell*, Mr. *Sawbridge*, Mr. *Surman*,
Mr. *Horn*, and Mr. *Huggins*. It was alledged,
and

and endeavoured to be proved, in favour of the petitioners, that Mr. *Craggs* had paid for his stock by a note of 37,000 *l.* from the *Sword-blade* company, payable to Mr. *Robert Knight*, treasurer of the *South-sea* company: And Sir *George Castwell*, and Mr. *Sawbridge*, swore that they had given such a note. But when the question was put to Mr. *Sawbridge*, whether the note was paid, he first answered evasively, which put the house into some heat, and the Lord *Trevor* stood up, and said, 'He wondered that august assembly would suffer themselves to be trifled with at that rate.' Hereupon Mr. *Sawbridge* being ordered to answer directly upon his oath, Whether the money mentioned in the note, was paid or not? he then owned it was not; nor ever intended to be paid, when it was given: Upon which, the house were so thoroughly convinced of the fraudulent collusion, that they would hear no more witnesses, and so passed the clause relating to the late Mr. *James Craggs*, Senior, without one negative.

The next day the Lords went through most part of the directors bill, and put off to *Monday* the 24th. It was generally reported, and believed, that this was done with a design to give the courtiers time to feel the pulse of several persons, as to an intended clause for mulcting the late directors; but being told by the leading men in the house of Commons, That if any alteration was made in the bill, they would never pass it; when that day came, the Lords, in a grand Committee, went through the bill, and made only some small amendments, as to the time given to the forfeiting persons to discover their estates. On *Tuesday* the 25th of *July*, their Lordships read the said bill the third time, passed it, and sent it down to the Commons, who readily agreed to their Lordships amendments.

The Lords
pass the bill
against the
directors,
&c.

The same day in the morning, the Committee of the house of Commons, to whom it

was referred to draw up an address to his Majesty, representing the state of the public credit, and the resolutions of the House relating thereto, drew up the said address, which, in the afternoon, Mr. Chancellor of the Exchequer reported to the House, and the same was agreed to, as follows:

Most gracious Sovereign,

The house
of Commons
address to
the King,
representing
the state of
public cre-
dit.

WE Your Majesty's most dutiful and loyal subjects, the Commons of *Great Britain* in Parliament assembled, being sensibly affected with the misery and calamities that have befallen great numbers of your Majesty's faithful subjects, occasioned by the heavy losses they have sustained from the fatal execution of the *South-sea* scheme, and taking into our serious consideration the low state of public and private credit, which it seems impossible to us should ever revive under the present uncertain and unsettled posture of affairs, have come to several resolutions, which we humbly beg leave to lay before your Majesty, and are as follow, &c.

Here were recited the resolutions about public credit of *May 3d*, *June 9th*, *June 12th*, and *July 5th*.

When we first entered upon the consideration of this extensive and perplexed affair, we thought it most advisable to leave every man's property to be determined by due course of law; and were of opinion, that no relief or abatement could properly be prescribed or given, but from the *South-sea* Company: But the discontents of the people daily increasing, and the uncertain and doubtful events, that threatened very great and valuable properties, creating such infinite anxieties and dissatisfaction, as had a most fatal and general influence upon all public and private credit, the interposition of Parliament became unavoidable, and we found ourselves under a ne-

‘ a necessity of resuming the consideration of this
‘ nice and intricate matter, and to endeavour to re-
‘ move, as far as possible, the chief and greatest in-
‘ conveniences.

‘ The great difficulty in remedying these mischiefs
‘ seemed to arise from the several contending interests
‘ engaged in the *South-sea* Company, which made it
‘ impossible to give relief to some, but at the ex-
‘ pence of others ; and as all the new proprietors, as
‘ well those concerned in the public funds as the o-
‘ ther adventurers, were equally imposed upon by the
‘ artifices of the late directors, and equally drawn in
‘ by their own too great credulity, and desire of
‘ gain ; to have discharged any particular set, had
‘ been not only an injustice to the rest, but by dis-
‘ solving the whole system, had involved them in ut-
‘ ter ruin, which made a distribution of losses, and
‘ some abatement to all, absolutely necessary. It
‘ was, indeed, very much to be wished, that such
‘ ease could have been given to the proprietors of the
‘ public debts, as would have made their property as
‘ valuable to them as they had enjoyed it for many
‘ years ; but as they had voluntarily consented to
‘ take stock at some rate or other, even at the time
‘ when they saw the stock raised to the highest pitch,
‘ the giving stock at one and the same price to them,
‘ and all others, that were most immediately con-
‘ cerned, makes the provision as just and equitable
‘ as the nature of the thing will admit ; it being im-
‘ practicable so far to reconcile the different interests
‘ in this general concern, as to make the conditions
‘ of those equal, that had engaged themselves at dif-
‘ ferent rates, and upon unequal terms.

‘ The great and principal mischiefs arose from se-
‘ ral concurring circumstances : From the hard
‘ terms of most of the proprietors, occasioned by the
‘ high prices at which they had purchased stock, or
‘ the excessive rates at which, as well the proprietors
‘ of publick debts, as the money subscribers, had o-

‘ bliged themselves to take stock ; from the demand
‘ of above seven millions payable to the public,
‘ which could only be raised out of the properties of
‘ those that were already too great sufferers, and
‘ which rendered the Company incapable of giving
‘ them any farther ease or relief ; from the disputes
‘ and contest at law, which were preparing to be
‘ carried on, not only between the Company and the
‘ subscribers of the redeemable funds, but between
‘ infinite numbers of private persons, engaged in con-
‘ tracts for the sale and purchase of stock and sub-
‘ scriptions ; from the impossibility of the money sub-
‘ scribers making any farther payments ; from the
‘ great loss the Company had sustained, by the late
‘ directors having lent out above eleven millions of
‘ the Company’s money without any, or without
‘ sufficient security ; and from the very little prospect
‘ of recovering any considerable part thereof ; with-
‘ out which it was impossible for the Company to
‘ comply with the demand of the public, but at the
‘ infinite expence and insupportable loss of all their
‘ adventurers, which must have proved destructive
‘ to the trade and credit of the kingdom.

‘ These considerations induced us to come to the
‘ foregoing resolutions ; being, as we conceive, the
‘ most proper means to enable the Company to give
‘ relief to such of their proprietors as most wanted
‘ and deserved it ; to put an end to all disputes at
‘ law ; and to fix, settle, and ascertain the several pro-
‘ perties and interests of all persons concerned with
‘ the *South-sea* Company ; to deliver infinite numbers
‘ of your Majesty’s good subjects from the apprehen-
‘ sion of vexatious law-suits and prosecutions, and
‘ from the farther demand of such excessive sums of
‘ money, as must sink and depress all public and pri-
‘ vate credit.

‘ And as the greatest mischiefs, which we now so
‘ justly complain of, have arisen from the unwarrantable methods used by the late directors of the *South-sea*

‘ sea company, in selling and disposing of such part
 ‘ of their increased capital stock as belonged to the
 ‘ company ; to remove such a foundation of stock-
 ‘ jobbing, and to prevent the like fatal consequences
 ‘ for the future, we thought it necessary to take care
 ‘ that all the increased capital stock belonging to the
 ‘ Company, which, after the proposed distribution
 ‘ is made, shall remain undisposed of, be divided a-
 ‘ mong all the proprietors of the said company, in
 ‘ proportion to their several and respective interests.

‘ These resolutions, if passed into a law, and duly
 ‘ put in execution, we humbly hope will tend very
 ‘ much to the re-establishing of public credit, to the
 ‘ quieting of the minds of your Majesty’s subjects,
 ‘ and contribute to the ease and relief of great num-
 ‘ bers, tho’ not sufficient to give satisfaction to, or
 ‘ repair the losses of, that are unhappily involved
 ‘ in the present calamity.

‘ But as the antient usage, and established rules of
 ‘ Parliament, make it impracticable for us to pre-
 ‘ pare bills for the royal assent, during the present
 ‘ session of Parliament, for some of the purposes con-
 ‘ tained in our resolutions, we have humbly pre-
 ‘ sumed to lay the same before your Majesty for your
 ‘ royal consideration ; not doubting but that your
 ‘ Majesty will, out of your great wisdom, and ac-
 ‘ customed grace and goodness to your people, as
 ‘ soon as the public and private bills, now depend-
 ‘ ing in Parliament, shall be dispatched, give us an
 ‘ early opportunity of perfecting this great and ne-
 ‘ cessary Work.

This address being the next day presented to the
 King by the whole house, his Majesty returned the
 following answer.

Gentlemen,

I Have such an intire confidence in the Parliament’s
 duty and affection to me, and their zeal for the pub-
 lic

lic service, that I shall very readily comply with what you desire, and will soon give you an opportunity of doing what you propose, for settling and establishing the credit of the kingdom.

On the 28th of *July* the Lords sent a message to the Commons, to acquaint them that his Majesty had been pleased to send a bill, intituled, *An Act for the King's most gracious, general, and free pardon*, which the Lords had humbly accepted, and passed, and now sent it down to the Commons; whereupon the said bill was once read, passed, and sent back to the Lords.

The next day the King came to the house of Peers with the usual state and solemnity, and the Commons being sent for up, and attending, their Speaker, upon presenting the civil list bill to his Majesty, made the following speech.

Most gracious Sovereign,

‘ **Y**OUR Majesty’s most dutiful and loyal subjects, the Commons of *Great Britain* in Parliament assembled, being sensible of the great debt upon the civil list, occasioned by the calamity of the times, which has disabled the two Companies of *Assurance* to make good the money which they had stipulated to pay the Crown, which, if it had been insisted on, would have occasioned the ruin of many families, and would consequently have been a great obstruction to trade: And your Majesty having always had so much goodness, as rather to wave your own right, than to exact it, to the prejudice of your faithful subjects: We have therefore, to make good that loss, given your Majesty, and do humbly pray, that your Majesty will be graciously pleased to accept of six pence in the pound, to be paid out of the civil list, from your faithful Com-

‘ mons,

mons, who will be always ready to support your Majesty and Government.

After this, his Majesty gave the royal assent to the two following, and several other public bills, viz.

1. *An Act for raising a sum not exceeding five hundred thousand pounds, by charging annuities at the rate of five pounds per cent. per Annum upon the civil list revenues, 'till redeemed by the crown; and for enabling his Majesty, his heirs, or successors, (by causing such a deduction to be made as therein is mentioned) to make good to the civil list, the payments which shall have been made upon the said annuities; and for borrowing money upon certain lottery tickets; and for discharging the corporations of assurances of part of the money which they were obliged to pay to his Majesty, and for making good a deficiency to the East-India Company.*

2. *An Act for raising money upon the estates of the late sub-governor, deputy-governor, directors, cashier, deputy-cashier, and accountant of the South-sea Company, and of John Aislaby, Esq; and likewise of James Craggs, Senior, Esq; deceased, towards making good the great loss and damage sustained by the said Company; and for disabling such of the said persons as are living, to hold any office or place of trust under the crown, or to sit or vote in Parliament for the future; and for other purposes in the said act expressed.*

And then the Lord Chancellor, by his Majesty's command, prorogued the Parliament to the 31st of July, on which day the King came to the house of Peers, with the usual state and solemnity, and the Commons being sent for up, and attending, his Majesty, by the mouth of the Lord High Chancellor, made the following speech to both Houses.

My

My Lords and Gentlemen,

THE occasion of my calling you together again so suddenly, is to give you an opportunity of resuming the consideration of the state of public credit.

Gentlemen of the house of Commons.

The progress that you made in this affair during the last session, laid such a foundation of this necessary work, that the world is fully apprised of what is reasonably to be hoped for at this present Conjunction.

My Lords and Gentlemen,

I must recommend to you all possible dispatch, and am persuaded that at this season of the year, your deliberation will be confined to what is absolutely necessary upon this extraordinary occasion.

The Commons being returned to their house, immediately resolved themselves into a grand committee, to take his Majesty's speech into consideration, and came to several resolutions, which were reported the next day, and agreed to by the house, as follows, viz.

The Commons resolutions for re-establishing public credit.

1. That, for the re-establishing of public credit, relief be given to the *South-sea* company with regard to the payment of the four millions one hundred and fifty six thousand three hundred and six pounds four shillings and eleven pence, and the four and a half years purchase, and one year's purchase, upon several annuities, and other national debts, the said Company giving such consideration to the public, and such farther relief to the several proprietors, and persons concerned in interest with the said Company, as this House shall think proper.

2. That for the re-establishing of public credit, and quieting the minds of his Majesty's subjects, the several properties and interests now depending, and con-

concerned with the *South-sea* company, be ascertained and settled.

3. That in order to put an end to all disputes between the *South-sea* company, and the proprietors of the redeemable funds subscribed into the said company, and for the farther relief of the said proprietors, and the proprietors of the second, third, and fourth money-subscriptions, who have now stock allowed them, at the rate of four hundred *per Cent.* with the last *Midsummer* dividend of ten *per Cent.* in stock, an addition after the rate of thirty three pound six shillings and eight pence stock, upon every hundred pounds stock, already allowed, be given by the *South-sea* company to the proprietors of the said redeemable funds, and to the proprietors of the second, third, and fourth money-subscriptions.

4. That the sum of four millions one hundred fifty six thousand three hundred forty one pounds, with the four years and a half, and one year's purchase, payable to the public by the *South-sea* company, be remitted, so as from the 24th of *June*, 1722. two millions of the capital stock of the said company be reduced and annihilated, and a porportionable part of their annuity, or yearly fund, in respect to the said two millions, from that time cease.

5. That the second subscription of the irredeemables, as well the long annuities, as the annuities of nine *per Cent.* prize lottery tickets, and blank lottery tickets, be made equal to the first subscription of the like annuities and tickets, by an addition of stock at one hundred and fifty *per Cent.*

6. That all the capital *South-sea* stock belonging to the company in their own right, which, after the proposed distribution made, shall remain undisposed of, be divided among all the proprietors of the said company,

company, in proportion to their several and respective interests therein ; and that credit be given them for the same in the books of the said company.

7. That such persons as have borrowed money from the *South-sea* company upon *South-sea* stock, actually transferrred and pledged at the time of borrowing to, or for the use of the said company, shall, upon payment of ten *per cent.* upon the respective sums so borrowed, at a time or times to be limited, and not otherwise, be discharged from all farther demands of the said company, in respect of the monies so borrowed; and that all the stock so transferred and pledged, together with all dividends and profits thereto belonging respectively, be absolutely vested in the said company.

8. That such persons as have borrowed money from the *South-sea* company, upon subscription receipts actually pledged to the said company at the time of borrowing; shall upon payment of ten *per cent.* upon the respective sums so borrowed, at a time, or times to be limited, and not otherwise, be discharged from all farther demands in respect of the money so borrowed ; and that all the subscription-receipts so pledged, together with all dividends and profits thereunto belonging, be absolutely vested in the said company.

9. That all contracts for the sale or purchase of subscriptions, or stock of the *South-sea* company, or any other company, or corporation, or pretended company, or corporation, which shall be unperformed, or not compounded, on or before the twenty ninth day of *September* next, be entred in books to be kept for that purpose, by the respective companies, or corporations, before the

the first day of *November* next, or else to be void ; and that such entries shall exprefs for whose use and benefit such contracts were made.

10. That no special bail be required in any action brought or to be brought, upon any contract made since the first day of *December* 1719, and before the first day of *December*, 1720, for the sale, or purchase of any subscription, or stock of the *South-sea* company, or any other company, or corporation, or pretended company, or corporation.

11. That no execution be awarded upon any judgment obtained, or to be obtained, in any action brought, or to be brought upon any contract, for the sale or purchase of any subscription, or stock of the *South-sea* company, or any other company, or corporation, or pretended company, or corporation, until the end of the session of Parliament, which shall be next after the twenty ninth day of *September* next.

12. That all the contracts for the sale, or purchase of any subscription, or stock of the *South-sea* company, or any other company, or corporation, which shall be unperformed, or not compounded, on, or before the 29th day of *September* next, where the feller, or the person on whose behalf such contract was made, was not at the time of such contract, or within a time to be limited, actually possessed of, or intitled to such subscription, or stock, shall be declared null and void.

A bill being ordered to be brought in upon the said resolutions, the same was presented accordingly, the next day, by Mr. *Lowndes*, with the title of, *A bill for making several provisions to restore the public credit, which suffers by the frauds*
and

and mismanagements of the late South-sea directors and others. This bill was read the first time, and ordered to be read a second time the next morning.

In the mean time, there appeared in the lobby of the house of Commons, and in the places adjacent, several hundreds of the proprietors of the short annuities, and other redeemable public debts, of both sexes, who, in a rude and insolent manner, demanded justice of the members as they went into the house, and put into their hands either a paper with these written words, *Pray do justice to the annuitants who lent their money on parliamentary security*, or a printed letter too long to be inserted.

The noisy multitude were particularly rude to Mr. Comptroller, tearing part of his coat as he passed by; upon which the house being informed, that a crowd of people were got together in a tumultuous and riotous manner, in the lobby and passages to this house, it was ordered, that the Justices of peace for the city of *Westminster*, do immediately attend this house, and bring the constables with them.

In the mean time, Sir *John Ward* presented to the house a petition and representation of the proprietors of the redeemable funds, on behalf of themselves, and all others, pretended to be taken into the *South-sea* company, setting forth, that they had lent their money upon parliamentary security; that having been unwarily drawn in to subscribe their effects into the *South-sea* company, by the artifices of the late directors, the honourable house of Commons, in *February*, had thought fit to leave the validity, or invalidity of their subscriptions, to be determined by the common law: But being informed, that by the bill now depending, they were tied down to take *South-sea* stock at 300 *l.* they therefore prayed that they might be heard

heard by themselves, or their counsel, against the said bill. After the reading of this petition, the same was ordered to lie on the table, and then the bill to restore the publick credit, &c. was read the second time, and committed to a Committee of the whole house. This done, Sir *John Ward* stood up, and spoke in favour of the petitioners, urging the justice of hearing them, either by themselves, or their counsel, in order to their being relieved, and he was seconded by Sir *Gilbert Heathcote*. Hereupon Mr. *Walpole* said, 'He did not see how the petitioners could be relieved; that the resolutions, pursuant to which this bill was brought in, had been laid before, and approved by the King and Council, and had also been agreed to by a great majority of the house before the last short prorogation; and that they had given their word of honour to the members that were gone into the country, that they would not alter a tittle in them; and as he could not see any thing that could be done for the petitioners, he therefore moved for adjourning the debate, and desired that that question might be put as a previous one.' This was opposed by Mr. *Broderick*, who said, 'He wondered what that Gentleman meant by desiring to have such a question put, before the question for taking the petition into consideration; which, he thought, would look as if they could not answer the allegations contained in the said petition; and therefore he moved that they might go upon the debate of it.' He was seconded by *Samuel Sandys*, Esq; who spoke strenuously in favour of the petitioners; but the court party insisting upon Mr. *Walpole's* motion, the question for adjourning was put, and carried by a majority of 78 voices against 29. By this time four of the Justices of the peace for the city of *Westminster* attending, according to order, they were

were called in, and being at the bar, Mr. Speaker acquainted them, that the House was informed that there was a great crowd of riotous people in the lobby and passages leading to this House, and that he was commanded by the House to direct them, the said Justices, to go and disperse the said riotous crowd, and to take care to prevent the like riots for the future. Hereupon the four Justices, attended by five or six constables, desired the petitioners to clear the lobby and passages; and upon their refusal, caused the proclamation against rioters to be twice read, declaring to them, that if they continued there till the third reading, they should incur the penalties of the act. Hereupon they thought fit to disperse; but as they went away, could not forbear venting their resentments, some saying, *That they came as peaceable subjects and citizens, to represent their grievances, and did not expect to be used like a mob, and scoundrels; and the rudest telling the members, You first pick our pockets, and then send us to goal for complaining.*

The next day the Commons, in a Committee of the whole House, considered of the *bill to restore public credit*; and the first question that occasioned any debate was, at what price the subscribers upon the second subscription should be obliged to take *South-sea* stock? Some were for 263 *l.* and others for 203 *l.* and after several speeches (by Mr. *Horatio Walpole*, Mr. *Yonge*, Mr. *Robert Walpole*, Mr. *Sloper*, Mr. *Broderick*, Mr. *Lowndes*, Mr. *Lowther*, Mr. *Harsley*, Mr. *Milner*, and Sir *John Eyles*) it was agreed without dividing, that the said subscribers should take stock at 203 *l.*

The next question was, whether brokers, or such as had acted as brokers for brokeridge, who had borrowed money of the *South-sea* Company upon stock, or subscription receipts, should, like the

the other borrowers, be discharged from all farther demands, by paying to the cashier of the said Company ten *per cent.* of the money borrowed? But after some debate, it was carried by 62 votes against 42, that the said brokers should be excepted, and a clause was added to the bill, to oblige them to pay the whole money borrowed.

After this Sir *Thomas Crossè* declared, that upon looking over the *South-sea* books, he found that many of the borrowers had not given any security for the money borrowed, for three months, or thereabouts, after the money lent: Upon which the question was put, and carried without a division, that all those who had borrowed money of the Company, and had not given security, by transferring stock, or subscription receipts, fourteen days after the money lent, should be obliged to pay the whole money. Several other amendments were made to the bill, which being reported the next day to the House by Mr. *Farrer*, some of them were agreed to; but when they came to that relating to the brokers, the same occasioned a considerable debate. Mr. *Robert Walpole* among the rest expressed his apprehensions, ‘ that obliging the brokers to repay the
‘ whole money they had borrowed, might rather be
‘ detrimental, than advantageous to public credit,
‘ and occasion the fall of the *South-sea* stock, which
‘ was now upon the rise; and that the brokers, to
‘ excuse themselves, might probably accuse others,
‘ which would afford fresh matter of complaint and
‘ dispute, therefore he moved that the said clause be
‘ left out of the bill.’ He was answered by General *Rossè* and Mr. *Sloper*; but upon the question being put, it was carried by a great majority, that the brokers should only be excepted from the cause relating to the borrowers; that is to say, that they should not be obliged to repay the whole money by them borrowed; nor yet be discharged

charged from farther demands, by paying ten *per cent.* of the money borrowed; but be left either to compound with the *South-sea* Company, or to be sued at common law. The other amendment, relating to the borrowers, who had not transferred their stock, or subscription-receipts in due time, was also left out of the bill; and some other amendments being made by the House, the said bill was ordered to be ingrossed.

On *Monday* the 7th of *August*, the said bill was read the third time, passed, and sent up to the Lords; after which, the Commons adjourned to *Thursday* the 10th, when the Lords signified to them by a message, that they had agreed to the same without amendment. The same day the King came to the house of Peers, with the usual state and solemnities, and the Commons being sent for up, and attending, his Majesty gave the royal assent to the said bill, and to a private act; and then his Majesty, by the mouth of the Lord High Chancellor made the following speech to both houses.

My Lords and Gentlemen,

I Am glad that the business of this, and the former session, is at length brought to such a period, that I have now an opportunity of giving you some recess, after the great pains you have taken in the service of the public.

The common calamity, occasioned by the wicked execution of the *South-sea* scheme, was become so very great before your meeting, that the providing proper remedies for it was very difficult: But it is a great comfort to me, to observe, that public credit now begins to recover; which gives me the greatest hopes that it will be intirely restored, when all the provisions you have made for that end, shall be duly put in execution.

I have

‘ I have great compassion for the sufferings of
‘ the innocent, and a just indignation against the
‘ guilty; and have readily given my assent to such
‘ bills as you have presented to me, for punishing
‘ the authors of our late misfortunes, and for ob-
‘ taining the restitution and satisfaction due to
‘ those who have been injured by them, in such
‘ manner as you judged proper. I was at the same
‘ time, willing and desirous, by my free and ge-
‘ neral pardon, to give ease and quiet to the rest
‘ of my subjects, many of who may, in such a
‘ general infatuation, have been unwarily drawn in
‘ to transgress the laws.

Gentlemen of the House of Commons,

‘ I return you my hearty thanks for the sup-
‘ plies you have granted for the current service of
‘ this year; and particularly for your enabling me
‘ to discharge the debts and arrears on the civil list,
‘ and to make good the engagements I was under
‘ for procuring peace in the *North*, which, in all
‘ probability, will now very soon be concluded.
‘ These instances of your faithful endeavours to sup-
‘ port the honour and dignity of the Crown, at home
‘ and abroad, are fresh marks of your zeal and affect-
‘ ion to my person and government.

My Lords and Gentlemen,

‘ I take this opportunity of acquainting you,
‘ that we have renewed all our treaties of commerce
‘ with *Spain*, upon the same foot as they were set-
‘ tled before the late war; which must necessarily
‘ prove an immediate and valuable advantage to the
‘ trade and manufactures of this kingdom.

‘ I earnestly recommend to you all, in your se-
‘ veral stations, to suppress profaneness and immora-
‘ lity, and to preserve the peace and quiet of the
‘ kingdom.

‘ You all are sensible, that the discontents occasioned by the great losses that many of my subjects have sustained, have been industriously raised and inflamed by malicious and seditious libels ; but I make no doubt, but that, by your prudent conduct in your several counties, all the enemies of my Government, who flatter’d themselves they should be able to take advantage from our misfortunes, and blow up the sufferings of my people into popular discontent and disaffection, will be disappointed in their wicked designs and expectations.’

And then the Lord Chancellor, by his Majesty’s command said,

My Lords and Gentlemen,

I *T is his Majesty’s royal will and pleasure, That this Parliament be prorogued to Thursday the nineteenth day of October next, to be then here held ; and this Parliament is accordingly prorogued to Thursday the nineteenth day of October next.*

The last Sessions of the first SEPTENNIAL PARLIAMENT.

O N *Thursday the 19th of October*, the Parliament being met, the King came to the House of Peers, and the Commons being sent for, and attending, his Majesty (by the mouth of the Lord Chancellor *Parker*) made the following speech to both houses ;

My Lords and Gentlemen,

King’s
speech.

‘ **I** Acquainted you when we parted last, with our having renewed all our treaties of commerce with *Spain* ; since which, peace is happily restored in the *North*, by the Conclusion of the treaty between
‘ tween

‘ tween the Czar and the King of *Sweden* ; and by
‘ that which I have made with the *Moors*, a great
‘ number of my subjects are delivered from slavery ;
‘ and all such of them as trade to those parts of the
‘ world, are, for the future, secured from falling
‘ under that dreadful calamity.

‘ In this situation of affairs, we should be extreme-
‘ ly wanting to ourselves, if we neglected to improve
‘ the favourable opportunity, which this general tran-
‘ quility gives us, of extending our commerce upon
‘ which the riches and grandeur of this nation chief-
‘ ly depend. It is very obvious, that nothing would
‘ more conduce to the obtaining so public a good,
‘ than to make the exportation of our own manu-
‘ factures, and the importation of the commodities
‘ used in the manufacturing of them, as practicable
‘ and easy as may be ; by this means, the ballance
‘ of trade may be preserv’d in our favour, our na-
‘ vigation increased, and great numbers of our
‘ poor employed.

‘ I must therefore recommend it to you, Gentle-
‘ men of the House of Commons, to consider how
‘ far the duties upon these branches may be taken
‘ off and replaced, without any violation of pub-
‘ lic faith, or laying any new burthen upon my
‘ people. And I promise myself, that by a due
‘ consideration of this matter, the produce of those
‘ duties compared with the infinite advantages that
‘ will accrue to the kingdom by their being taken
‘ off, will be found so inconsiderable, as to leave
‘ little room for any difficulties or objections.

‘ The supplying our selves with naval Stores, up-
‘ on terms the most easy, and least precarious,
‘ seems highly to deserve the care and attention of
‘ Parliament. Our plantations in *America* natural-
‘ ly abound with most of the proper materials for
‘ this necessary and essential part of our trade and
‘ maritime strength ; and if by due encourage-
‘ ment, we could be furnished from thence with-

‘ those naval stores, which we are now obliged to
 ‘ purchase, and bring from foreign countries, it
 ‘ would not only greatly contribute to the riches,
 ‘ influence, and power of this nation, but, by em-
 ‘ ploying our own colonies in this useful and advan-
 ‘ tageous service, divert them from setting up, and
 ‘ carrying on manufactures which directly interfere
 ‘ with those of *Great Britain*.

Gentlemen of the house of Commons,

‘ It will be a great pleasure to me, if, in raising
 ‘ the supplies of this year, it may be so ordered,
 ‘ that my people may reap some immediate bene-
 ‘ fit from the present circumstances of affairs a-
 ‘ broad. I have ordered estimates to be prepared
 ‘ for the service of the ensuing year, and likewise
 ‘ an account of the debts of the navy, to be laid
 ‘ before you. You cannot but be sensible of the ill
 ‘ consequences that arise from such a large debt re-
 ‘ maining unprovided for; and that as long as the
 ‘ navy and victualling bills are at a very high dis-
 ‘ count, they do not only affect all other public
 ‘ credit, but greatly increase the charge and expence
 ‘ of the current service. It is therefore very much
 ‘ to be wished, that you could find a method of dis-
 ‘ charging this part of the national debt, which, of
 ‘ all others, is the most heavy and burthenfome, and
 ‘ by that means have it in your power to ease your
 ‘ country of some part of the taxes, which from an
 ‘ absolute necessity, they have been obliged to pay.

My Lords and Gentlemen,

‘ The unspeakable misery and desolation that has
 ‘ of late raged in some parts of *Europe*, cannot but
 ‘ be a sufficient warning to us, to use all possible
 ‘ precautions to prevent the contagion from being
 ‘ brought in among us; or if these kingdoms should
 ‘ be visited with such a fatal calamity, to be in a con-
 ‘ dition, with the blessing of God, to stop its far-
 ‘ ther

‘ ther progreſs. And as all other provisions will
 ‘ be altogether vain and fruitleſs, if the abominable
 ‘ practice of running of goods be not at once,
 ‘ totally ſuppreſſed, I moſt earneſtly recommend to
 ‘ you, to let no other conſideration ſtand in com-
 ‘ petition with a due care of preſerving ſo many
 ‘ thouſand lives.

‘ The ſeveral affairs which I have mentioned to
 ‘ you, being of the higheſt and moſt immediate
 ‘ concern to the whole kingdom, I doubt not but
 ‘ you will enter into the conſideration of them with
 ‘ that temper, unanimity, and diſpatch, that the
 ‘ neceſſity and importance of them require.

The King being retired, the Lord *Tenham* moved
 for an addreſs of thanks for his Maſteſty's gracious
 ſpeech, which was not oppoſed, and the ſaid ad-
 dreſs being immediately drawn up, and agreed to,
 was, the next day, preſented to his Maſteſty by the
 whole Houſe, as follows :

Moſt gracious Sovereign,

‘ **W**E your Maſteſty's moſt dutiful and loyal
 ‘ ſubjects, the Lords ſpiritual and temporal
 ‘ in Parliament aſſembled, beg leave to return your
 ‘ Maſteſty our moſt hearty thanks, for your Maſteſty's
 ‘ moſt gracious ſpeech from the Throne; and for
 ‘ the great compaſſion you have ſhewn to ſuch of
 ‘ your ſubjects as have had the miſfortune to fall in-
 ‘ to the hands of the *Moors*. And we do at the
 ‘ ſame time congratulate your Maſteſty upon the
 ‘ ſucceſs of your endeavours, in reſtoring the gene-
 ‘ ral tranquility of *Europe*. And we aſſure your
 ‘ Maſteſty, that, as the ſeveral particulars you have
 ‘ been pleaſed to mention to us, are inſtances of the
 ‘ greateſt affection to your people, and the tendereſt
 ‘ concern for their intereſt and ſecurity, ſo we will,
 ‘ on our part, conſider, with all temper, unanimi-

The Lords
 addreſs.

ty, and dispatch, what your Majesty has been pleased to lay before us; and will do all in our power, towards attaining the great and good ends your Majesty has so graciously recommended to us, in favour of the trade, ease, and safety of your people.'

His Majesty's answer to this address, was as follows:

The King's
answer.

My Lords,

I Thank you for this loyal and dutiful address. The zeal you express for my person and government, and for the interest and happiness of my people, gives me great satisfaction.

After presenting this address, the Lords adjourned for a week.

The Commons being returned to their house, Sir George Oxenden moved for an address of thanks, on the several heads of his Majesty's speech, and his motion was unanimously agreed to.

Oct. 20. Sir George Oxenden, Chairman of the Committee appointed to draw up the address, reported the same to the house as follows:

The Com-
mons ad-
dress.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in Parliament assembled, beg leave to return your Majesty our unfeigned thanks for your most gracious speech from the Throne.

We congratulate your Majesty upon the success that has attended your unwearied application for restoring tranquility to Europe, for securing our commerce by treaties, and for releasing great numbers of your subjects from slavery among the
Moors,

‘ *Moors*, and for delivering the trading part of the
‘ nation from the apprehensions of the like calami-
‘ ty for the future ; which are so many instances of
‘ your Majesty’s goodness, in which all your sub-
‘ jects are so nearly concerned, that we are no less
‘ bound by interest, than led by inclination and du-
‘ ty, most thankfully to acknowledge these happy
‘ effects of your Majesty’s care for your people.

‘ Your Majesty’s recommending to us to improve
‘ the general tranquillity abroad, towards extending
‘ and enlarging our commerce, is an additional
‘ proof, how much your Majesty has the real inte-
‘ rest of *Great Britain* at heart, in all your counsels
‘ and undertakings.

‘ Your Commons are thoroughly sensible, that
‘ our poor cannot be sufficiently employed, nor the
‘ balance of trade be long preserved in our favour,
‘ while such duties are continued, as either clog the
‘ exportation of our own manufactures, or render
‘ the manufacturing of them at home less easy and
‘ practicable ; and they will most chearfully apply
‘ themselves to consider how far such duties can be
‘ taken off, and replaced, without laying any new
‘ burthen on your people, or violating the public
‘ faith ; having great reason to promise themselves,
‘ that the free circulation of trade, which must na-
‘ turally succeed upon the taking off this pressure,
‘ will, in a short space of time, compensate any di-
‘ minution of the customs, which this alteration may
‘ occasion for the present.

‘ And since the trade, navigation, and safety of
‘ this nation must remain, in some measure, preca-
‘ rious, as long as we are under the necessity of pur-
‘ chasing and importing all our naval stores from fo-
‘ reign countries, your Majesty’s most faithful Com-
‘ mons will do their utmost endeavours, that this
‘ important and beneficial branch of trade may be
‘ supplied from your Majesty’s plantations in *Ame-*
‘ *rica*, and thereby divert our colonies from setting
‘ up

‘ up manufactures, which directly interfere with
‘ those of another country.

‘ Your Majesty’s tender concern to have the sup-
‘ plies of this session so ordered, that your subjects
‘ may be among the earliest in reaping the happy
‘ effects of the general tranquility abroad, cannot
‘ fail of exciting in your faithful Commons, a desire
‘ of making suitable returns, by proceeding, with
‘ all alacrity, to grant the necessary supplies for the
‘ current service of the year, and for discharging the
‘ heavy debt of the navy: And we find ourselves
‘ engaged, by all the ties of duty and interest, to
‘ second your Majesty’s provident intentions, for
‘ suppressing the infamous and pernicious practice of
‘ running goods, which, besides that it defrauds the
‘ public revenues, and discourages the honest trader,
‘ may, at this juncture, indanger the health and
‘ lives of many thousands of your Majesty’s inno-
‘ cent subjects.

‘ The several points which your Majesty has been
‘ graciously pleased to recommend to us, carry in
‘ them such evident marks of your Majesty’s pater-
‘ nal and most affectionate concern for your people,
‘ and are of such lasting consequence to the welfare
‘ and safety of this nation, that we should be inex-
‘ cusable, if we did not, by a ready concurrence on
‘ our parts, do all in our power to render these
‘ your Majesty’s most gracious purposes effectual;
‘ and proceed in the consideration of them with such
‘ temper, unanimity, and dispatch, as may fully
‘ answer your Majesty’s expectations, and defeat
‘ the designs of those who hope for any other con-
‘ tentions among us, but of zeal and affection to-
‘ wards your Majesty’s sacred person and govern-
‘ ment.’

Upon Mr *Speaker*’s putting the question, whether
this should pass as the address of the House? Mr.
Arthur

Arthur Moore said, ' He thought the expressions, relating to the preventing running of goods, were too general ; and that, in his opinion, the best way to prevent that pernicious practice, was to take off some of the high duties, whereby the temptation to smuggling would very much abate ; since people would not think it worth their while to run great hazards for a small gain. And besides, if the duties were lessened, the importation, in all probability, would increase proportionably ; so that the customs might amount to as much, with a smaller duty, as they do at present ; and if they did not, ways might be found to make up the deficiency to the crown.' Nothing of moment was offered against this speech ; but, however, the house not thinking it proper to enter then upon the consideration of that matter, the address, as it had been drawn up, was approved, and being, the next day, presented to the King by the whole house, his Majesty was pleased to return the following most gracious answer, viz.

I Return you my thanks for this dutiful and loyal address, and for the assurances you give me of going through the weighty affairs now before you with unanimity and dispatch ; and I promise my self, from your experienced zeal and application, that my good wishes for the welfare and prosperity of my people, will be rendered effectual.

The King's
answer.

The most material transactions of this session of Parliament, will be found in the following collection of the PROTESTS of the LORDS, which was published towards the end of the session.

Die Lunæ 13 Novembris, 1721.

The house (according to order) proceeded to take into consideration his Majesty's most gracious speech
from

from the Throne ; and the same being read, a motion was made, That this house do, on *Friday* next, take into consideration the causes of contracting so large a *navy debt*, and the best Methods of preventing the contracting the like debt for the future ; and a question being stated thereupon, it was proposed to leave out these words, *viz. [and the best methods of preventing the contracting the like debt for the future.]* Then the question was put, whether the said words shall stand part of the question ?

Content 22.
Not Content 64.

It was resolved in the negative.

Dissentient

I. **B**Ecause the principal end of all parliamentary inquiries into mismanagements, being to prevent the like for the future, we thought it more agreeable to the candour and honour of the house, to express it plainly in the question itself, than leave it to be implied only ; and the rather, because it seemed to us, the words left out clearly imported, That nothing personal was in view, but the public good only, which we thought would rather have given satisfaction to the mind of every noble Lord, than the contrary.

II. When the words now ordered to be left out, were, for the reason given, so properly and naturally, as we conceive, made a part of the question, we could not but apprehend, that the laying them aside on the debate, might create a suspicion, tho' unjust, that this house did not intend to prevent, if possible, the contracting a large and inconvenient *navy debt* for the future.

III. His Majesty having in his speech from the Throne, observed the ill consequences that arise from such a large debt remaining unprovided for, we thought

thought it very proper, if not necessary in the resolution taken, to enter into the consideration of that debt, to express a desire of preventing the like inconvenient debt being contracted for the future ; and that the doing so did not prejudice the causes of contracting the present great *navy debt* ; for however necessarily or justifiably an inconvenient thing may have once happened, yet we think it ought, if it can, to be prevented from happening so again.

IV. His Majesty having likewise observed in his speech from the Throne, That this part of the national debt is, of all others, the most heavy and burthenfome, and having set forth the mischiefs arising from the high discount of the *navy* and *viſtualling* bills, we thought ourselves sufficiently warranted to express a desire, to consider of the best methods of preventing the like most heavy and burthenfome debt, whatever the causes of contracting the present debt shall, on inquiry, appear to be: And this the rather, because the like *navy* debt can bring no manner of benefit either to the public, or to any private person, but to such, as, by foreseeing when it is to be either discharged or provided for, may make an excessive advantage to themselves, by buying up the said bills while under a very high discount.

<i>W. Ebor.</i>	<i>Bristol,</i>	<i>Ashburnham,</i>
<i>Fr. Roffen.</i>	<i>Wharton,</i>	<i>Scarsdale,</i>
<i>Salisbury,</i>	<i>North and Grey,</i>	<i>Aberdeen,</i>
<i>Strafford,</i>	<i>Guilford,</i>	<i>Boyle,</i>
<i>Cowper,</i>	<i>Bathurst,</i>	<i>Bingley.</i>
<i>Trevor,</i>	<i>Aylesford,</i>	

Die Mercurii 15 Nov. 1721.

The House (according to order) proceeded to take into consideration his Majesty's speech. After debate, the question was put, *That an humble address be presented to his Majesty, that he will be graciously pleased to give orders that the instructions given by his Majesty to the Lord Carteret, as minister or plenipotentiary to the crown of Sweden, or any other of the northern crowns, be laid before this house.*

It was resolved in the negative.

Content. 22.

Not Content 59.

Dissentient.

I. **B**Ecause we apprehend this to be the first instance to be found on our journals, where Lords have moved for a sight of instructions of any kind, and have not been supported by the house in that motion, and tho' we wish it may be the last, yet have we just reason to fear that such a precedent once made, will not fail of being followed in succeeding times.

II. Because we do not apprehend, how the calling for instructions after the conclusion of the treaty to which they relate, and the intervention of a general act of pardon, can be hurtful either to the public, or even to the ministers transacting such treaty. But the refusing to call for those instructions may, in our opinion, be a matter of a dangerous consequence, in as much as it tends to discourage inquiries of this kind for the future, and, by that means, to embolden and screen *guilty ministers hereafter.*

III. Because tho' we acknowledge the right of peace and war to be in the crown, yet we must be
of

of opinion, that this house hath also a right to inquire into the transaction of ministers employed under the crown, and to censure their conduct when justice requires it ; which cannot well be done, unless it be first known what sort of instructions they received, and how far they have, or ought to have, complied with them. And this seems to us more particularly necessary since the act of succession has declared, *That this kingdom shall not be engaged in a war on account of any of the King's foreign dominions*: All treaties therefore with the princes of the *North* should, above all others, be made in the plainest, and most unexceptionable terms ; or if the way of wording such treaties, shall occasion any doubt, no method of clearing it should be neglected or avoided ; that so this house, and the whole kingdom, may be satisfied that nothing has passed, derogatory to the act which is the basis on which our present happy establishment is founded.

W. Ebor.

North and Grey,

Guilford,

Bathurst,

Bingley,

Wharton,

Aylesford,

Cowper,

F. Roffen,

Aberdeen,

Strafford,

Scarsdale,

Bristol,

Uxbridge,

Boyle.

Die Lunæ 20 Novembris, 1721.

The house, according to order, proceeded to take into farther consideration his Majesty's most gracious speech from the throne ; and after a debate, the question was put, that an humble address be presented to his Majesty, to desire, that his Majesty will be graciously pleased to give orders, that the treaty of Commerce, whereby the former treaties of commerce are renewed with *Spain*, may be laid before this house ?

It was resolved in the negative.

Content

Content 22.
Not Content 59.

Dissentient.

BEcause, as we believe, the refusing to address for a treaty, which has been concluded and ratified so long since, is altogether unprecedented; and we conceive this case, of all others, ought not to have been made a precedent, where the treaty desired to be called for, hath been twice mentioned, from the throne, to both houses of Parliament; and the last time, in his Majesty's speech at the opening of this session, expressly (as we cannot but apprehend) recommended to the consideration of both houses of Parliament.

<i>W. Ebor.</i>	<i>Bristol,</i>	<i>Cowper,</i>
<i>Fr. Cest.</i>	<i>North and Grey,</i>	<i>Boyle,</i>
<i>Fr. Roffen.</i>	<i>Guilford,</i>	<i>Wharton,</i>
<i>Strafford,</i>	<i>Aylesford,</i>	<i>Bingley,</i>
<i>Aberdeen,</i>	<i>Bathurst,</i>	<i>St. John de Bletsoe.</i>

Die Martis 5 Decembris, 1721.

A motion was made, that the employing great numbers of seamen for several years last past, more than were provided for by Parliament, was one great cause of contracting so large a *navy debt*, and of increasing the same, from the sum of 764,088 *l.* 3 *s.* 11 *d.* which was the net debt of the navy, on the 31st of *December, 1717*, to the sum of 1,641,937 *l.* 17 *s.* 8 *d.* $\frac{3}{4}$, which was the net debt due to the *Navy* on the 30th of *September* last; and a question being stated thereupon, the previous question was put, whether the said question shall be now put?

It was resolved in the negative.

Content 21.
Not Content 60.

Dissentient.

Dissentient.

BEcause the main question being so true in every particular, that, as we could observe, the truth thereof was not denied by any Lord in the debates, but seems to us to be admitted by the proposing and carrying the previous question; We think it highly expedient, that the main question should have been put, and voted in the affirmative, to the end we might have expressed our disapprobation at least, of the practice of employing much greater numbers of seamen in the fleet, for several years last past, than were provided for by Parliament; (when the occasions for employing them could not, in our opinion, but be foreseen) and by such our disapprobation, might have discouraged, in some measure, that practice for the future, and prevented the increasing the *navy debt* again, by the like proceedings.

<i>F. Cest.</i>	<i>Aylesford,</i>	<i>St. John de Bletsoe,</i>
<i>F. Roffen.</i>	<i>Gower,</i>	<i>Uxbridge,</i>
<i>Strafford,</i>	<i>Cowper,</i>	<i>Guilford,</i>
<i>Trevor,</i>	<i>Bathurst,</i>	<i>Foley,</i>
<i>Aberdeen,</i>	<i>Litchfield,</i>	<i>North and Grey,</i>
<i>Bristol,</i>	<i>Bingley,</i>	<i>Boyle.</i>

Dec. 6. A Petition of the Lord Mayor, Aldermen, and Merchants of the city of *London*, against three clauses of the late quarantine bill, was offered to the house of Lords; but after some debates, the question being put, that the said petition be received, it was carried in the negative, by a majority of 63 voices against 22. The said petition, and the clauses objected against in it, are as follow :

The petition of the city of London to the house of Lords.

Petition of the city of London against the quarentine bill.

A petition of the Lord Mayor, Aldermen, and Commons of the city of *London*, in common-council assembled, was presented to the house and read, setting forth, that it appearing, by the inspection of the journal of this house, that their Lordships have now under consideration, the amendment of an act passed in a late session of Parliament, intituled, *An act for repealing an act made in the ninth year of her late Majesty Queen Anne, intituled An act to oblige ships, coming from infected places, more effectually to perform their quarentine, and for the better preventing the plague being brought from foreign parts into Great Britain or Ireland, or the isles of Guernsey, Jersey, Alderney, Sark, or Man, and to hinder the spreading of infection*: That the petitioners conceive, that in some clauses of that act, not only the rights, privileges, and immunities, but the trade, safety, and prosperity of the city of *London* are highly concerned; and praying, that they may be heard by their counsel, or otherwise, in relation to the said act, at such time, and in such manner, as their Lordships shall judge most proper and expedient.

Three clauses in the Quarentine act, VII Georgii.

AN D be it farther enacted, That if any person infected with the plague, or obliged to perform quarentine, shall wilfully refuse or neglect to repair, within convenient time, after due notice for that purpose given to him, her, or them, by the proper officer, to the ship, house, lazaret, or other place duly appointed for him, her, or them; or having been placed in such ship, house,

house, lazaret, or other place, shall escape, or attempt to escape out of the same, while he, she, or they shall continue infected, or before quarentine fully performed respectively, it shall and may be lawful, to and for the watchmen, and other persons, appointed to see quarentine performed, by any kind of violence that the case shall require, to compel every such person so refusing or neglecting, as aforesaid, and every such person so escaping, or attempting to escape, as aforesaid, to repair or return into such ship, house, lazaret, or other place, so appointed for him, or her, as aforesaid, and every such person so refusing or neglecting to repair, within convenient time after such notice, as aforesaid, into such ship, house, lazaret, or other place, appointed for him, or her, as aforesaid; and also every person actually escaping, as aforesaid, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy.

And be it farther enacted, that if any person not infected, nor liable to perform quarentine, shall presume to enter any ship, house, lazaret, or any other place so appointed, as aforesaid, while any person or persons so infected, or being under quarentine, shall be therein, and shall return, or attempt to return from thence, unless in such cases, and by such proper license, as shall be directed or permitted by such order or orders, made or to be made and notified, as aforesaid, it shall and may be lawful, to and for the watchmen, or other persons appointed to guard or secure such ship, house, lazaret, or other place so appointed, as aforesaid, by any kind of violence that the case shall require, to compel such person, so returning, or attempting to return, to repair into some ship, house, lazaret, or other place, so appointed, as aforesaid, there to continue and perform quarentine; and in case such person shall actually escape out of such ship,
house,

house, lazaret, or other place, where he or she, shall be so placed for performance of quarentine, before he or she shall have fully performed the same, he or she shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy.

And be it farther enacted by the authority aforesaid, that if at any time or times hereafter, any city, town, or place within *Great-Britain*, or *Ireland*, shall be infected with the plague, it shall and may be lawful, to and for his Majesty, his heirs, and successors, to cause one or more line, or lines, trench or trenches, to be cast up or made about such infected city, town, or place, at a convenient distance from the same, in order to cut off the communication between such infected city, town, or place, and the rest of the country; and to prohibit all persons, goods, and merchandizes whatsoever, to enter, pass, or be carried over such lines or trenches, unless in such cases, and by such proper licence, and subject to such regulations and restrictions for performance of quarentine, as shall be directed or permitted by any such order or orders, made or to be made, and notified, as aforesaid; and in case any person or persons, being within such lines or trenches, or any of them shall, during the time of such infection, presume or attempt to come out of the same, unless in such cases, and by such proper licence, and subject to such regulations and restrictions for performance of quarentine, as shall be directed or permitted by such order or orders, made or to be made, and notified, as aforesaid, it shall and may be lawful, to and for the watchmen or persons appointed to guard or secure such lines or trenches, or any of them, by any kind of violence that the case shall require, to compel all and every such person or persons to return back within such lines or trenches; and in case any persons shall actually come out

out of such lines or trenches, or any of them, unless in such cases, and by such proper licence, and subject to such regulations and restrictions as aforesaid, every such person shall be adjudged guilty of felony, and suffer death as a felon, without benefit of clergy.

Some of the Lords protested against the rejecting of the city's petition, and entered their protest as follows:

Dissentient.

I. **B**Ecause the liberty of petitioning the King, (much more that of petitioning either house of Parliament) is the birth-right of the free people of this realm, claimed by them, and confirmed to them, soon after the revolution, in an act, *declaring the rights and liberties of the subject, and settling the succession of the crown*: And whenever any remarkable check hath been given to the free exercise of this right, it hath always been attended with ill consequences to the public.

II. Because the petition so rejected, was, in our opinion, every way proper and unexceptionable, both as to the manner of wording and presenting it, and the matter to which it referred; nothing being more natural and reasonable, than that any corporate body, should, if they desire it, be heard upon any bill under the consideration of Parliament, whereby they judge their particular interests to be highly, tho' not solely affected. This liberty, we remember to have been granted, in a late session, to the traders of *Norwich*, upon their petition touching the callicoe bill; nor are we aware, that it hath ever, in like circumstances, been refused to the meanest corporation in the kingdom: But if it had, we humbly conceive, that in this case, a distinction might have been made in favour of the city of *London*;

which being the center of credit, of the trade and monied interest of the kingdom, and the place where the plague, should we be visited by it, is most likely first to appear: And having also remarkably suffered by means of the late fatal *South-sea* scheme, was, we think, in a particular manner, intitled, to apply for relief against some clauses in the quaren-tine act, and deserved to have been treated, on that occasion, with more indulgence and tendernefs.

III. Because the rejecting the said petition, tends, we conceive, to discountenance all petitions for the future, in cases of a public and general concern; and by that means to deprive the legislature of proper lights, which they might otherwise receive; it being no ways probable, that subjects, or societies of less consideration, will venture to represent their sense, in cases of the like nature, after the city of *London* have been thus refused to be heard.

IV. Because, as the receiving this petition could have had no ill consequences, as we conceive, nor have given any great interruption to the business of Parliament; so the rejecting it may, we think, widen the unhappy differences that have arisen, and increase the disaffection to the government, which hath already too much prevailed in this kingdom.

V. Because the arguments used on the debate, seem to us not to be of sufficient force; for we cannot conceive, that because the said Act of Quaren-tine is a general act, therefore no particular community or city, who think they may, in a distinguishing manner, be prejudiced by it, have a right to be heard in relation to it; and that at a time, when it is under the consideration of Parliament. Nor can we be of opinion, that a petition agreed on by the Lord Mayor, Aldermen, and Citizens of *London* in common council assembled, and presented, not even
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by the numbers allowed by law, but by a Lord of this house, can possibly be a prelude, or example, towards introducing tumultuous petitions; much less can we see, why it ought the rather to be rejected, because it came from so great a body as the city of *London*; on the contrary, we apprehend, that an universal grievance, which may be occasioned by any general act, must be represented to the legislature by particular persons, or bodies corporate, or else it cannot be represented at all; that the rejecting such petitions, and the not receiving of them, is the way to occasion disorders and tumults; and that the more considerable the body is, the more regard should be had to any applications they make; especially for matters, wherein not only their rights, privileges, and immunities, but also their trade, safety, and prosperity are, as the petition avers, highly concerned.

<i>Bristol,</i>	<i>Aylesford,</i>	<i>North and Grey,</i>
<i>St. John de Bletsoe,</i>	<i>Strafford,</i>	<i>Trevor,</i>
<i>F. Cestriens,</i>	<i>Aberdeen,</i>	<i>Guilford,</i>
<i>Cowper,</i>	<i>Gower,</i>	<i>Bingley,</i>
<i>Batburst,</i>	<i>F. Roffen.</i>	<i>Uxbridge.</i>
<i>Boyle,</i>	<i>Litchfield,</i>	

Dec. 13. The Earl of *Clarendon* reported to the house of Lords, *the Bill to prevent infection*; upon which the question being put, that the house do agree with the committee, the same was opposed by Earl *Cowper*; who, on the other hand, moved, that a bill be brought in for the repeal of two clauses in the *Quarentine bill*. He was seconded by the Lords *Batburst* and *North and Grey*; but the Court Lords having insisted upon the other question, the same was carried in the affirmative, by 47 voices against 26; and then the question, upon Earl *Cowper's* motion, being resolved in the negative, by about the same majority, his Lordship with several other

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Lords,

Lords, entered the following remarkable protest, *viz.*

A motion was made, and the question being put, that a bill be brought in for the repeal of so much of the act passed last year relating to the plague, as gives a power to remove to a *lazaret*, or *pest-house*, any persons whatsoever infected with the plague, or healthy persons out of an infected family, from their habitations (tho' distant from any other dwelling-house.) And also so much of the said act, as gives power for the drawing lines or trenches round any city, town, or place infected, it was resolved in the negative.

Content. 20.

Not Content 39.

Dissentient.

I. **B**Ecause the powers specified in the question, seem to us, such as can never wisely or usefully be put in execution. For by the first of them, persons of what rank or condition soever, either actually infected, or being in the same habitation, tho' in lone-houses, where they are well accommodated, and from whence there is no danger of propagating the infection, may be forcibly removed into common lazarets or pest-houses. And it does not appear to us, that such a power could at any time be reasonably executed, and therefore we conceive it should be repealed.

The other power extends to the drawing of lines around any city, town, or place, and consequently around the cities of *London* and *Westminster*; the very apprehensions of which, upon the least rumour of a plague, would disperse the rich, and by that means (as well as by hindering the free access of provisions) starve the poor, ruin trade, and destroy all the remains of private and public credit.

II. Because such powers as these are utterly unknown to our constitution, and repugnant, we conceive, to the lenity of our mild and free government;
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a tender regard to which was shewn by the *Act Jac. I.* which took care only to confine infected persons within their own houses, and to support them under that confinement, and lodged the execution of such powers solely in the civil magistrate ; whereas the powers by us excepted against, as they are of a more extraordinary kind, so they will probably (and some of them must necessarily) be executed by military force ; and the violent and inhuman methods which on these occasions, may, as we apprehend, be practised, will, we fear, rather draw down the infliction of a new judgment from Heaven, than contribute any ways to remove that which shall then have befallen us.

III. Because we take it, these methods were copied from *France*, a kingdom whose pattern, in such cases, *Great-Britain* should not follow ; the government there being conducted by arbitrary power, and supported by standing armies ; and to such a country, such methods do, in our opinion, seem most suitable : And yet even in that kingdom, the powers thus exercised of late, have been as unsuccessful, as they were unprecedented ; so that no neighbouring state has any encouragement from thence, to follow so fatal an example. In the last plague with which we were visited *Anno Dom. 1665*, tho' none of these methods were made use of, much less authorized by parliament ; yet the infection, however great, was kept from spreading itself into the remote parts of the kingdom ; nor did the city of *London*, where it first appeared, and chiefly raged, suffer so long, or so much, in proportion to the number of its inhabitants, as other cities and towns in *France* have suffered, where these cruel experiments have been tried.

IV. Because, had such part of the act, as we think should be repealed, been accordingly repealed, there would still have remained in it a general clause,
which

which gives the crown all powers necessary to prevent the spreading of infection ; and, consequently, these very powers among the rest, if they should be found necessary : And therefore there is no need, we conceive, to have them expressly granted in the same act of Parliament, which seems not only to warrant, but in a particular manner to prescribe and direct the use of them.

V. Because the great argument urged for continuing these powers specified in the question, (that they would probably never be put in execution in the cases objected to) seems to us a clear reason, why they should not be continued ; for we cannot imagine why they should stand enacted, unless they are intended to be executed ; or of what use will it be to the public, to keep the minds of the people perpetually alarmed, with those apprehensions under which they now labour, as appears by the petition from the city of *London*, lately rejected. It may be an instance of our great confidence in his Majesty's wisdom and goodness, when we trust him with such powers unknown to the constitution ; but we think it ill becomes us to repose such trust, when it tends, in our opinion, rather to render him terrible, than amiable to his subjects ; and when the only advantage he can (as we conceive) draw from the trust reposed in him, is, not to make use of it.

W. Ebor.

Boyle,

Trevor,

St. John of Bletsoe,

Strafford,

Weston,

Aberdeen,

F. Cestriensis,

Uxbridge,

North and Grey,

Bingley,

Bathurst,

F. Roffen.

Guilford,

Gower,

Aylesford,

Cowper.

Die

Die Martis, 19 Decembris, 1721.

The order of the day being read for the taking into farther consideration, his Majesty's most gracious speech from the throne, a motion was made, and the question being put, That an humble address be presented to his Majesty, to desire that his Majesty would be graciously pleased to give orders to the proper officers, that the instructions given to *Sir George Byng*, (now Lord Viscount *Torrington*) in relation to the action against the *Spanish* Fleet in the *Mediterranean*, may be laid before this house.

Content 24.
Not, Content 67.

It passed in the negative.

Dissentient.

I. **B**Ecause not finding any instance on searching the journals, we believe there is none, where-in a motion for an admiral's instructions to be laid before this house, has been denied; but, on the contrary, there are many precedents of instructions of a like nature, and in stronger cases, as we conceive, addressed for by the house, and several in point for instructions given to admirals, particularly to *Sir George Rook*, and *Sir Cloudesly Shovel*: Nor does it seem to us at all material, whether the conduct of such admirals had or had not been blamed, before such instructions were asked for, since the sight of instructions may be previously and absolutely necessary, to inform the house whether their conduct be blameable or not.

II. Because we think it highly reasonable, that these instructions should be laid before this house, upon which the action of the *British*, against the *Spanish* fleet in the *Mediterranean* was founded, without any previous declaration of war; and even while a *British*

tish minister, a secretary of state was amicably treating at *Madrid*, which court might justly conclude itself secure from any hostile attack, during the continuance of such negotiation.

III. Because 'till we have a sight of these instructions, and are able to judge of the reasons on which they are founded, the *War* with *Spain*, in which that action of our fleet involved us, does not appear to us so justifiable, as we could wish; and yet it was plainly prejudicial to the nation in sundry respects; for it occasioned an intire interruption of our most valuable commerce with *Spain*, at a time, when *Great-Britain* needed all the advantages of peace, to extricate itself from the heavy national debt it lay under; and as it deprived us of the friendship of *Spain*, not easily to be retrieved, so it gave our rivals in trade an opportunity, to insinuate themselves in their affections: And we conceive, that to that war alone, is owing the strict union there is at present between the Crowns of *France* and *Spain*, which it was the interest of *Great-Britain*, to have kept always divided: An union, which, in its consequences, may prove fatal to these Kingdoms. Nor does it appear, that *Great-Britain* had any fruit from this war, beyond its being restored to the same trade we had with *Spain*, before we begun it.

<i>W. Ebor.</i>	<i>Strafford,</i>	<i>Bristol,</i>
<i>Aylesford,</i>	<i>Guilford,</i>	<i>Bathurst,</i>
<i>Weston,</i>	<i>Uxbridge,</i>	<i>Foley,</i>
<i>St. John de Bletsoe,</i>	<i>Scarsdale,</i>	<i>F. Cestrien.</i>
<i>Compton,</i>	<i>Gower,</i>	<i>Trevor.</i>
<i>Aberdeen,</i>	<i>Cowper</i>	
<i>Boyle,</i>	<i>North and Grey.</i>	

Die Jovis 21 Decembris, 1721.

Hodie tertia vice lecta est Billa. An act for punishing mutiny and desertion, and for the better payment

ment of the army and their quarters. The question being put, whether this bill shall pass? It was resolved in the affirmative.

Dissentient.

I. **B**Ecause we have heard no arguments to convince us, that there is any necessity for a greater number of troops being kept on foot at this time, than there was after the peace of *Ryswick*, or the peace of *Utrecht*; for as to the argument urged from the present disaffection of the people, we are fully persuaded, that the keeping up so great an army, is much more likely to increase than lessen such disaffection.

II. Because this precedent is likely to be followed in all subsequent times, there being no probability, that a conjuncture can happen when there will be less apparent reason for keeping up a great number of forces, than at this time of general tranquility.

III. Because we conceive there are several clauses in this bill, which tend to overthrow the civil power in this kingdom, and turn it into a military government. And we apprehend it to be our duty to take care, that so dangerous a precedent may not be made for any future time, without an evident necessity, and it is plain, there is no such necessity for erecting this military power within the kingdom in time of peace, because the army was well governed without it in the two former reigns.

IV. That allowing such a number of troops were necessary, yet there is no reason can be alledged, as we apprehend, that they should be constituted in this expensive manner, which raises the charge upon the nation about double what it was in time of peace, in the two former reigns, and we must with great
concern

concern assert, that the public is much less able to bear such an excess at the present, than at any former times.

<i>W. Ebor.</i>	<i>Bathurst,</i>	<i>Uxbridge,</i>
<i>Fr. Roffen.</i>	<i>Tadcaster,</i>	<i>Bristol,</i>
<i>Fr. Cest.</i>	<i>North and Grey,</i>	<i>Strafford,</i>
<i>Aberdeen,</i>	<i>Foley,</i>	<i>Scarsdale,</i>
<i>Guilford,</i>	<i>Boyle,</i>	<i>Trevor.</i>

Die Sabbat. 13 Januarii 1721.

A motion was made, *That the not paying off his Majesty's ships when they came home from their several voyages, according to the antient usage of the navy, but continuing them in sea pay during the winter, 'till they went out again, had been one great cause of contracting so large a NAVY DEBT ;* and a question being stated thereupon, the previous question was put, whether that question should now be put.

It was resolved in the negative.

Dissentient.

1. **B**Ecause we conceive the main question ought to have been put, since the practice complained of it, having been from the year 1690, very frequently represented against to the admiralty and treasury, by the commissioners of the navy (proper officers to give advice in such matters) and who then were men of great experience, ability, and probity, for being, contrary to the antient usage of the navy, giving great disgust to the seamen, and causing an unnecessary expence of the public money, we thought it highly reasonable to endeavour, that a stop should be put to this method, which was attended with so many fatal consequences ; and we cannot but think the putting and voting the main question, in the affirmative, would have greatly conduced to that end.

2. Because

2. Because it did not appear necessary, at a time when so few men were either granted, or, indeed, demanded, for the service of any one year, that the seamen should be treated with so much severity as not to be paid off, according to the antient usage of the Navy, but kept in *floating prisons*, as the said Commissioners of the Navy very well express it, especially since we find, that during the late war, when forty thousand men a year were granted, this was truly thought, by the Lords Commissioners of the Navy, a way rather to provoke the seamen to desert, than encourage them to come into, or continue in the service; and to be the principal, if not the only reason, why it is become so difficult to get them again when wanted.

3. We thought, at this juncture, when his Majesty had so lately, in a most gracious speech from the throne, signified his having so happily establish'd peace throughout *Europe*, it would be proper, if ever, to use our best endeavours, that the seamen might partake of the benefit of our mild and free government, and not be liable to greater hardships than any of their fellow-subjects, as we think they will be, if this practice be suffer'd to continue.

4. Because such methods ought to be used as will most contribute to procure the affections of the seamen to the service, which we think, the antient usage of the navy will, in this case, best effect, by which they will have the satisfaction to spend their money within the kingdom, for the benefit and support of their families as formerly, when the ships were paid off at their return from their several voyages; and will, we hope, prevent their hiding from and deserting the service, and engage them chearfully to enter into it, whenever there shall be occasion: Whereas according to the late practice, by the opinion of the
said

said commissioners of the navy ; the difficulty of getting them in the spring, chiefly arises from keeping them all the winter ; and yet the difficulty of getting them again, is assigned as the only reason for keeping them in pay during the winter, altho' it amounts to an intolerable charge upon the kingdom, it appearing by one of the papers now upon the table, that keeping them in pay all the winter, comes to near five times as much as raising them again in the spring.

5. We cannot but think it a very unusual way of arguing in a house of Parliament, That a question ought not to be put, because it is generally admitted to be true, tho' at the same time there may be too much reason to believe, that the practice complained of, will not be altered without the interposition of Parliament.

6. We cannot conceive that the treaty with *Sweden* could make it necessary as was alledged, to keep the men in pay all the winter ; since it appears by the papers upon the table, that very little or no time would have been lost, if the old method of the navy of raising men in the spring had been followed, by which much money would have been saved to the public, especially since their so early arrival then did neither prevent the landing the *Czar's* troops upon *Sweden*, when and where they pleased, nor by any action at sea, contribute to weaken his naval strength.

Lastly, We take it to be very clear, that if any necessary, or sufficient reason was foreseen, at any time, for the dispensing with this rule of the navy, it ought not to have been done without his Majesty's consent in council ; it being, as we conceive, a fundamental maxim in the government of the navy, and a most essential part of his Majesty's royal prerogative, that no rule or establishment in the navy, whether

ther, written or unwritten, or customary, ought to be, or can regularly be abrogated, altered, or dispensed with, but by his Majesty's consent in council, especially in so weighty a point as spending the public treasure so much faster than it need have been, in a proportion above-mentioned. And therefore we thought it expedient, that the main question should have been put, and voted in the affirmative, that this great and useful *prerogative* of the crown might, by censuring what we take to be a *breach* thereof (tho' with the temper recommended from the throne) have been the better preserved for the future.

<i>W. Ebor.</i>	<i>Uxbridge,</i>	<i>Cowper,</i>
<i>North and Grey,</i>	<i>Guilford,</i>	<i>Aberdeen,</i>
<i>Gower,</i>	<i>Trevor.</i>	<i>Masham,</i>
<i>Strafford,</i>	<i>Bathurst,</i>	<i>Bristol.</i>
<i>Compton,</i>		

Die Mercurii, 17 Januarii, 1721.

A petition of the clergy of *London* was presented and read, against the bill, intituled, *An Act for granting the people called Quakers, such forms of affirmation and declaration as may remove the difficulties which many of them lie under.*

And a motion being made that the said *Petition* be rejected; after debate, The question was put, whether the said *Petition* shall be rejected?

It was resolved in the affirmative.

Dissentient.

I. **B**Ecause the right of petitioning, in a legal manner, to legal purposes, does, we apprehend, appertain, by law and usage, to the free people of this realm; and is as essential to the subject, acting within his due bounds, as the liberty of debate is to the constitution of Parliament. And this right,

as it extends to the petitioning even for the repeal of acts now in force, by which the people think themselves aggrieved; so it justifies them yet more, in representing their humble sense of any new law, while it is under the consideration of Parliament. Nor are the clergy, we presume, less privileged, in relation to the exercise of this right, than any other of his Majesty's subjects: On the contrary, we believe them as worthy of enjoying it, and as capable of exerting it to wise and good ends, as any rank of private men in the kingdom.

II. Because the petition rejected, is, in our opinion proper, and inoffensive, both as to the matter, and manner of it: Since it partly relates to the peculiar rights of the clergy in point of tythes, and partly expresses their fears, (as we conceive, not altogether groundless) lest the sect of *Quakers*, already too numerous, should by this new indulgence, be greatly multiplied; and lest the honour of religion should any ways suffer, and the foundations of government be shaken by what is intended; both which it is the particular duty of their function to uphold and secure. We are not therefore apprehensive, that it misbecame their characters to interpose on any of these important points: And the way in which they have done it, must seem to us free from exception, till some passage in their petition is pitched upon, as obnoxious, and censured by the house; which, as yet, hath not been done.

III. Because the petition suggests a particular grievance, under which the clergy will suffer by this act, more than any other order of men; which as it had never been observed on the debates on the bill, so was allowed to deserve the consideration of the house. And therefore, had there been any other part of their petition less unexceptionable (as we apprehend there is

is not) yet we do not think, that it was unreasonable to lay aside the whole, on that account, and reject what was acknowledged fit to be considered, for the sake of what was thought improper to be offered.

IV. Because the clergy of *London* are not, in general, so liberally provided for, but that they have reason, to be watchful in relation to any step that may unwarily be taken, towards diminishing their maintenance; which we look upon, as not duly proportioned to their labours, in populous parishes, and to the various employments given them by infidels, and heretics, papists, and divers sects of men dissenting from the Church established by law, with which this metropolis is known to abound. And as their situation gives them near opportunities of observing and knowing what may be stirred in Parliament, to the prejudice of their order; so we cannot but think, that it becomes them to make use of that advantage, in behalf of their distant brethren, as often as need shall require; especially at a time, when the representatives of the clergy are not attending in convocation, and in a readiness to exert their known right of applying to the legislature on all such occasions.

V. Because the *London* clergy, from whence the petition came, are, in our opinion, and have been always esteemed, of great consideration, with respect to their extensive influence, and their ability to be serviceable to the state in important conjunctures. From this body of men have proceeded many of the most eminent lights of the church, and ornaments of the bishops bench, especially since the revolution; and, in the reign preceding it, their never-to-be-forgotten labours put a stop to the torrent of Popery, then ready to overflow us. On which, and many other accounts, we cannot but wish, that the applications at any time made to this house by the city clergy,

clergy, might be received with regard and tenderness; and a more than ordinary indulgence allowed them, at a time, when so great favours are about to be bestowed on the professed oppugners of their function and maintenance.

VI. Because by experience we find, that the treating, in this manner, a petition from any great and considerable body of men, is not the best way to allay the jealousies, and extinguish the uneasiness that occasioned it; a very contrary effect having followed (according to the best of our observation) from the rejecting a petition lately offered by the city of *London*. And the oftener such instances are repeated, the more, we fear, the disaffection of the people will increase; who thinking themselves under hardships from which they desire to be relieved, may look upon it as a new, and yet greater hardship, not to be heard. And though the modest and dutiful demeanor of the clergy should no ways contribute to these consequences, yet we know not how far this may be the case, with respect to their flocks; to whom their persons and characters are dear, and who may therefore be induced, by the reverence they bear to their pastors, to express as much concern on their account, as they would on their own. For which reason it was our earnest desire, that this second, and in our opinion, dangerous experiment, might not have been made.

<i>W. Ebor.</i>	<i>Strafford,</i>	<i>Guilford,</i>
<i>Weston, E. of Arran,</i>	<i>Foley,</i>	<i>Cowper,</i>
<i>Uxbridge,</i>	<i>North and Grey,</i>	<i>Aberdeen,</i>
<i>Scarsdale,</i>	<i>Gower,</i>	<i>Bathurst,</i>
<i>Compton,</i>	<i>Trevor,</i>	<i>Montjoy, V. Wind.</i>
<i>Bristol,</i>	<i>Bingley,</i>	<i>F. Roffen.</i>
<i>Coningsby,</i>	<i>St. J. de Bletsoe,</i>	

Die Veneris, 19 Januarii, 1721.

Hodie tertia vice lecta est Billa, intitled, An Act for granting the people called Quakers, such forms of affirmation, and declaration, as may remove the difficulties which many of them lie under.

The question was put, Whether this bill shall pass?

It was resolved in the affirmative.

Dissentient.

W. Cant. Jo. Oxon.

I. **B**Ecause the privileges allowed by this bill to the *Quakers*, are without example, and no ways proportioned to the steps formerly taken towards a gradual indulgence of them. For, whereas they have been hitherto under the real obligation of an oath, tho' dispensed with as to some formalities, with respect to the manner of wording, and taking it, they are now altogether released both from the form and substance of an oath, and admitted to profess fidelity, and give testimony upon their simple affirmation: Nor are these great privileges indulged to them (as the less were) from time to time, and by degrees, but are at once made perpetual.

II. Because we look upon the *Quakers*, who reject the two sacraments of Christ, and are, as far as they so do, unworthy of the name of Christians, to be on that account, unworthy also of receiving such distinguishing marks of favour.

III. Because the *Quakers*, as they renounce the institutions of Christ, so have not given even the evidence by law required, of their belief of his Divinity: It no ways appearing to us (nor, do we believe

it can be made appear) that ever since they were first indulged [*I W. and M.*] one Quaker, in a hundred, hath subscribed *the profession of Christian belief*, directed by that act; nor could we, upon a motion made in the house, prevail, that they should even now be obliged by such previous subscription, to intitle themselves to the new and extraordinary favours designed them. The consequence of which must, in our opinion, be, That they will encourage themselves yet farther in their aversion to subscribe that profession of Christian belief; which they seem more to decline than even the taking of an oath; since great numbers of them have sworn, tho' very few have subscribed that profession. Nor are we without apprehensions, that it may reflect some dishonour on the Christian faith, if the evidence given by such persons on their bare word, shall by law, be judged of equal credit with the solemn oath of an acknowledged Christian, and sincere member of the established communion.

IV. Because we look upon it as highly unreasonable, that, in a kingdom, where the Nobles, the Clergy, and Commons are obliged to swear fealty to the crown, and even the Sovereign himself takes an oath at his coronation; a particular sect of men, who refuse to serve the state, either as civil officers, or soldiers, should be intirely released from that obligation: Since 'tis natural to expect, that persons thus indulged, as to the manner of professing, and the measures of performing their allegiance, should, by degrees be induced totally to withdraw it, till they become as bad subjects as Christians.

V. Because tho' such extraordinary privileges, are allowed to the sect of Quakers by this bill, yet there is no mark or test, prescribed by it, or by any other act, by which it may be certainly known, who are Quakers, and consequently who are, or are not intitled

tled to those privileges. From whence this inconvenience may arise, that many, not really Quakers, may yet shelter themselves under the cover of that name, on purpose to be released from the obligations of oaths; it not being, we conceive, in the power of the magistrate, as this bill stands, to oblige any person to take an oath, who, at the time of tendering it, shall profess himself a Quaker: So that the concession now made to that sect, may prove a great inlet to hypocrisy and falsehood, and will naturally tend towards increasing their numbers; which, we rather wish, may be every day diminished.

VI. Because we do not apprehend that the Quakers, as a sect, are really under such scruples in point of an oath, that it is necessary to ease them by such an act; few of them having, for five and twenty years past, since their solemn affirmation (equivalent to an oath) was enacted, ever refused to comply with it: And, should this have now and then happened, yet, when the great body of any sort of sectaries are at ease in their consciences, the scruples of a few, we think, ought not to be regarded; especially if continuing the law now in force will probably extinguish those scruples, and the repeal of it will certainly give new life and strength to them.

VII. Because the security of the subjects property, which depends upon testimony, seems to us to be lessened by this act; the reverence of an oath having been always observed to operate farther towards the discovery of truth, than any other less solemn form of asseveration. Nor can the Quakers be excepted in this case; whose awful apprehensions of an oath appear, from their earnest endeavours to decline it: And therefore, where the payment of tythes, by them held to be sinful, is concerned, they will have strong inducements to disguise the truth, in what they simply affirm, rather than wound their consciences

ces and credit, by contributing towards the support of such an antichristian payment. In other cases of property, their interest only will clash with their veracity ; but the double motive of interest and conscience will influence them with respect to the clergy ; whose calling, and maintenance, they equally condemn.

VIII. Because the inducement, mentioned in the bill, towards granting the Quakers these favours, That they are well affected to the government (a position, of which we have some doubt) might we apprehend be improved into a reason for granting like favours to *Deists Arians, Jews,* and even to *Heathens* themselves ; all of which may possibly be, as some of them certainly are, friends to the government. However their friendship, we presume, would be cultivated at too great an expence, if, for the sake of it, any thing should be done by the legislature, which might weaken the security of all governments, an oath ; and, by that means, do more mischief to the state, in one respect, than it brought advantage in another. And we the rather thus chuse to reason, because an argument was urged in the debate and no ways disallowed, that if *Heathens* themselves were equally of use to the state, as the Quakers are, they ought also equally by law to be indulged : Whereas our firm persuasion is, That, as no man should be persecuted for his opinions in religion ; so neither should any man, who is known to avow principles destructive of Christianity, however useful he may otherwise be to the state, be encouraged by a law, purposely made in his favour, to continue in those principles.

<i>W. Ebor.</i>	<i>Strafford,</i>	<i>Aberdeen,</i>
<i>F. Roffen.</i>	<i>F. Cestriens.</i>	<i>Trevor,</i>
<i>Gower,</i>	<i>St. John of Bletsoe, Compton.</i>	
<i>Montjoy, V. Windsor, Salisbury,</i>		

Die

Die Jovis, 25 Janu. 1721.

The order of the day (for the house, to be in a committee, to take into farther consideration the causes of contracting so large a navy debt, and the instruction of the said committee, That they do in the first place consider of the occasion of that part of the said debt, which arises, from having employed more men in the sea service, in any year, than were provided for by Parliament, for such year, and for the not paying off all the seamen at winter) being called for,

A motion was made, and the question was put, *That authentic copies of the several treaties, instructions, and orders relating to the British squadrons being sent into the Baltic for several years last past, be laid before this house, That the true occasion of that part of the Navy Debt, which the committee is instructed to consider in the first place, may the better appear, as also that the Act of Settlement has not been infringed, by those several Northern expeditions.*

Content 23.
Not Content 60.

It was resolved in the negative.

Dissentient

1. **B**Ecause it being now admitted by the house, in the instruction given to the Committee, that the Navy Debt was increased, by employing more men in the sea service than were provided for by Parliament, and by not paying them off in the winter, the intention of the house in that instruction must, in our opinion, manifestly be, to direct the committee to inquire into the true occasion and reasonableness of these services, by which the *navy debt* was increased; and that end could not, we think, any ways be attained, without a sight of those treaties, instruc-

instructions and orders, upon which those services were founded ; since the considering the occasion of an extraordinary acknowledged expence, must, we conceive, imply an inquiry into the true causes for which such an expence was made. We did, therefore, think it necessary, to desire copies of the treaties, instructions, and orders relating to the several *Baltic* expeditions, because without them we could not possibly learn the true reason of those expeditions ; and it seemed to us incongruous, that the house should direct an inquiry, and not contribute to it by directing also those materials to be laid before the committee, which alone could render such an inquiry effectual.

2. Because the want of such authentic papers and instruments, could, no ways, we think, be supplied by any verbal representations, that might be made by lords in the ministry, as facts occurred to their memory in the debate ; this being no sufficient foundation for any Parliamentary inquiry, much less for such a one as tends to approve, excuse, or blame the measures of those in power ; since we cannot think it suitable, either to the rules of reason, or the dignity of Parliaments, to proceed to resolutions relating to the conduct of ministers, upon facts stated by the ministers themselves.

3. Because motions for such papers and instruments have been frequently made and complied with ; nor hath any such motion ever (as far as we can learn) 'till of late, been refused : The only paper included in the general motion, that we thought any ways doubtful whether we should obtain, was the Lord *Carteret's* instructions, which was moved for before in this session without success : However, we had hopes of prevailing even for a sight of that paper, when it became necessary, as we apprehend, to
qualify

qualify the committee of the whole house, to do the work appointed by the house.

4. Because the great increase of the *navy debt* arose from the frequent sending of strong squadrons to the *Baltick*, and continuing them there at seasons of the year, when the *British Fleet* has seldom been known to have been employed so far from home, and in so rugged a climate ; and therefore we thought it reasonable to expect the fullest satisfaction in our inquiries into the grounds of expeditions, which had been carried on in so unusual, expensive and hazardous a manner ; which the more extraordinary they were, the more they needed, in every respect, to be cleared and justified ; that the misapprehensions prevailing *without doors*, in relation to those *Northern expeditions*, might be rectified, and such precedents might not remain, without the reasons on which they were founded : Whereas we are now apprehensive, that any resolutions on this head, may lose much of their weight and influence, should they be known to have been framed upon facts barely asserted by ministers, without evidence of any sort to prove the truth of those facts.

5. Because one view we had, in our motion for those papers, was to satisfy ourselves and others, that the *act of settlement* had been no way infringed by those *Northern expeditions*, a point of the utmost consequence to the present establishment, and on which therefore all our care and circumspection ought to be employed. 'Tis the birth-right of the Peerage, as to concur in the enacting all laws, so to inquire into the observation of them ; and the more momentous the law is, the more it becomes us to consider, how far it hath, or hath not been violated : And the great inducement to our enquiry into the observation of that law, was the jealousy entertained (as we conceive) on that head, by many of his majesty's good subjects,
observing

observing, that the war in the *North*, ended, at last, in a peace, which stripped *Sweden* of all its best provinces, and confirmed the acquisition of them to the several *Northern* powers concerned, without any particular advantage, that we hear of, stipulated in behalf of *Great-Britain*, besides that of a new guarantee for the Protestant succession. A sight of the said treaties, instructions, and orders, might perhaps have dispelled these apprehensions, and therefore we thought it our duty to move for them, and to express our concern, that such a motion was over-ruled; for we cannot think the argument used to discourage us from insisting on that motion, [*That it amounted to an inquiry, Whether the King had broke his coronation oath?*] was consistent with the freedom of Parliament, or agreeable to the known rules of our constitution, which free the crown from all blame, and suppose those only, who gave pernicious counsels, answerable for the fatal effects of them.

<i>W. Ebor.</i>	<i>Strafford,</i>	<i>Gower,</i>
<i>Cowper,</i>	<i>Bristol,</i>	<i>F. Cestrien.</i>
<i>Trevor,</i>	<i>Aylesford,</i>	<i>Aberdeen,</i>
<i>North and Grey,</i>	<i>Guilford,</i>	<i>Foley,</i>
<i>Weston,</i>	<i>Boyle,</i>	<i>St. John de Bletsoe,</i>
<i>Compton,</i>	<i>F. Roffen.</i>	<i>Montjoy.</i>
<i>Uxbridge,</i>	<i>Bathurst,</i>	
<i>Bingley,</i>	<i>Scarsdale,</i>	

Then the house (according to order) was adjourned during pleasure, and put into the said committee; and after some time spent therein, the house was resumed, and the Earl of *Clarendon* reported from the committee, That they had come to two resolutions, which he was directed to report, when the house will please to receive the same. Ordered, That the report be now received: His Lordship accordingly reported the following resolutions, viz.

That

That it is the opinion of this committee, That the employing great numbers of seamen, for several years last past, more than were provided for by Parliament, and thereby increasing the debt of the navy, was occasioned by services, which either were pursuant to the previous advice, or had the subsequent approbation of one or both houses of Parliament, and which were also necessary for the safety of the kingdom, and the tranquility of *Europe*.

That it is the opinion of this committee, That the nature of the said services necessarily requiring some of his Majesty's squadrons to be kept out the whole year, and detaining others abroad, 'till the months of *November* or *December*; and it being requisite to fit out the said squadrons in the month of *February*, or the beginning of *March*, in order to their sailing early in the spring, the paying them off upon their return was inconsistent with the due performance of those services; nor could the saving (if any) by such payment, have, in any degree, made amends for the ill consequences which must thereby have arisen, from the disappointment to the service.

Which resolutions were read by the clerk: And the first resolution being read a second time, the question was put, Whether to agree with the committee in this resolution?

It was resolved in the affirmative.

Dissentient.

1. **B**Ecause this resolution seems to clash with the instruction from whence it sprung, which was to consider the occasion of the increase of the navy debt, that arose from employing more men in the sea service than were provided for by Parliament: Whereas, from the resolution, it appears only, that the services occasioned the debt, not what real occasion

sion or reason there was for those services, which yet was the point we suppose, chiefly in view, and most worthy a Parliamentary inquiry.

2. Because those services are in this resolution, supposed to be justified by the previous advice, or subsequent approbation of one or both houses of Parliament. Whereas it did not any ways appear to us, that either house of Parliament had previously advised, or subsequently approved such services, tho' the vouchers in that respect were often and earnestly required: Nor doth it appear to us, how that assertion is warranted, either by general expressions in votes and addresses, or by a state of the navy debt communicated every year to the Parliament: and therefore being still in the dark, as to the evidence pointed at, we could wish, that the growth of the navy debt had been explained and justified, by an inquiry into the ends and reasons for which it was contracted. But this way not being taken, nor being possible to be taken, till the treaties, instructions, and orders requisite to this purpose were produced, we know not in what sense, either those sea services, or that great navy debt they caused, may be said to have been approved by this or the other house of Parliament.

3. Because had we been duly informed of the true motives upon which these services were undertaken, and thereby enabled to judge of their reasonableness (as we think we in no degree were) yet, still we must be of opinion, that those considerations; how important soever, would not have justified the exceeding the number of men asked of, and allowed by Parliament, which nothing but absolute and unforeseen necessity can ever excuse: Whereas the occasion of these extraordinary expences were foreseen; and the fleets were sent out for many years successively, sitting the Parliament, without any previous demands

demands made of such supplies as were proportioned to the expence intended; and we are farther of opinion, that whenever such a debt is unavoidably incurred, it should be specially stated to the Parliament, together with the necessity that occasioned it, at their next assembling, that the excuse may be then either allowed or censured, and the exceedings provided for in time, instead of being suffered to run on for many years together, 'till an insupportable debt is contracted, without any other notice taken of the reasons of its growth, and the laying annually a general state of the debt on the table of the house of Commons. This we conceive to have been the case; and if it be, do not err, we think, in affirming, That had the services appeared to have been necessary, yet this manner of increasing the debt would not have been warranted.

4. Neither can we comprehend how the safety of the kingdom depended upon those extraordinary services, some of which were performed in the *Mediterranean*, others in the *Baltic*, against powers not at enmity with *Great-Britain*, whose friendship (it seems to us) we should rather have cultivated, and whose resentments we had, and still have (we fear) reason to apprehend. We cannot but think it the true interest of *Great-Britain*, to intermeddle, as little as possible, in the quarrels of *Europe*, and then by our good offices chiefly without declaring any resolution to support our mediation by force, or making ourselves either principals or parties in wars that do not immediately concern us. We look upon our navy (the natural security of our island) as too much hazarded, and some chief branches of our trade, as highly endangered by the consequences of those remote expeditions: Nor are we yet satisfied, that the peace by us mediated, and concluded in the *North*, hath not made the provision of naval stores for our fleet, more precarious than formerly, though on that
single

single article, the safety of the kingdom may possibly depend. Nor can we judge the present tranquility likely to last, since, after all our expence, the late *Northern* peace has reduced *Sweden* so low, and left the *Czar* in possession of such provinces, as may render him very formidable; and what matters may still remain unadjusted in treaties, whereby the present tranquility may soon be disturbed, we cannot determine, since we have not been indulged in our desire of inspecting those treaties.

<i>W. Ebor.</i>	<i>Strafford,</i>	<i>Scarsdale,</i>
<i>Cowper,</i>	<i>Bristol,</i>	<i>Gower,</i>
<i>Trevor,</i>	<i>Aylesford,</i>	<i>Fr. Cestrien.</i>
<i>North and Grey,</i>	<i>Guilford,</i>	<i>Aberdeen,</i>
<i>Weston, E. of</i>	<i>Boyle, E. of</i>	<i>Foley,</i>
<i>Arran,</i>	<i>Orrery,</i>	<i>S. John de</i>
<i>Compton,</i>	<i>Fr. Roffen.</i>	<i>Bletsoe,</i>
<i>Uxbridge,</i>	<i>Bathurst,</i>	<i>Bingley.</i>

The other resolution being read a second time, the question was put, Whether to agree with the committee in this resolution?

It was resolved in the affirmative.

Dissentient.

1. **B**Ecause that part of the question which concerns such of his Majesty's ships, as are said, but not proved, to have been necessarily kept out the whole year, has not the least relation, as we conceive, to any thing that has yet been objected to, which was, the not paying ships that came home before winter, and ought by the ancient usage of the navy to have been paid off; and therefore, we cannot but think it was very improperly made part of the question.

2. Because it being admitted in the question, that the ancient usage of the navy was, that all ships, when

when they returned home from their several voyages, should not be kept in pay during the winter (as was the case of the late *Baltic* squadrons for some years past) and it not having been made appear, (as we think) in a parliamentary way, that by any treaty with *Sweden* it was necessary to send ships sooner in any year, than might have been consistent with the said ancient usage, we are of opinion, that the resolution will encourage the practice complained of, and will greatly contribute to make fleets (so much the honour and security of this kingdom) too chargeable to be supported.

3. Because we cannot but be surprized, there should be the least doubt, as in the question, whether any money might have been saved by paying off the men, when it appears by a paper upon the table, that several ships companies, amounting to many thousands of men, have been kept in pay, during the winter; which expence, we cannot but think, ought to have been avoided, it appearing from other papers and representations upon the table, that by paying the men off, more than five parts in six of the whole charge of those men, during the winter, had been saved to the public.

4. Because a resolution of this house, that seems to countenance a practice of this sort, (at a time when every way of getting money at the expence of the public, does not seem to be less in people's thoughts than formerly) may probably encourage those, who shall have opportunity in future times, too readily to contribute towards the increase of navy debts, tho' they are attended with so many ill consequences, that his Majesty, in a most gracious speech from the throne, has very lately been pleased to say, they do not only affect all public credit, but greatly increase the charge and expence of the current service, and are, of all others, the most heavy and burthenfome.

<i>W. Ebor.</i>	<i>Strafford,</i>	<i>Scarsdale,</i>
<i>Cowper,</i>	<i>Bristol,</i>	<i>Gower,</i>
<i>Trevor,</i>	<i>Aylesford,</i>	<i>F. Cestrien,</i>
<i>North and Grey,</i>	<i>Guilford,</i>	<i>Aberdeen,</i>
<i>Weston, E. of</i>	<i>Boyle E. of</i>	<i>Foley,</i>
<i>Arran,</i>	<i>Orrery,</i>	<i>St. John de</i>
<i>Compton,</i>	<i>F. Roffen.</i>	<i>Bletsoe.</i>

On *Thursday* the 1st of *February*, the Lords, in a grand Committee, resumed the consideration of the navy debt ; and the debate was opened by the Earl of *Uxbridge*'s moving that some accounts and orders, relating to the victualling when the fleets were in the *Baltic* and *Mediterranean*, might be read. After the reading of some of those papers, his Lordship, resuming his speech, endeavoured to shew, ' That one
' occasion of the increase of the navy debt, was the
' ships being victualled abroad, by the commanders,
' and not by the proper officers of the Victualling-
' office, who, are cheques upon one another ; where-
' as the other way there might be great abuses, by
' commanders charging more to the government
' for the provisions, than they really cost.' The Lord *Torrington*, thinking himself reflected upon, as he was commander in chief in the *Mediterranean*, endeavoured to justify himself from any imputation of that nature, and among other things alledged, ' That
' provisions were much dearer there than in *England* ;
' that it was impossible to carry such quantities from
' hence, as would serve for any long time ; and
' therefore they are obliged to buy them there at any
' rate.' His Lordship was supported by the Lord Viscount *Townshend*, and the Earl of *May* ; and tho' the Earl *Cowper*, the Lord *Bathurst*, the Earl of *Strafford*, and the Earl *Coningsby*, back'd the Earl of *Uxbridge*, yet the question was put, *That the victual-
ling his Majesty's ships by any other, than the victuallers
appointed for that service, or their agents, is contrary
to the course of the navy, and by taking away the proper
cheques,*

cheques, is one great cause of contracting so large a navy debt? but it was resolved in the negative, without dividing: Several Lords entered the following protest.

Dissentient.

I. **B**Ecause it being, unquestionably, the ancient course of the navy to victual all his Majesty's ships, above sixth rates, by the commissioners of the victualling or their agents, unless in case of necessity, and it appearing to us, by a paper returned before this house, from the Victualling-office, that many ships, and squadrons of ships, have been of late years victualled by the commanders, very few of which were so victualled by any order; and among those many instances, a few only were excused, because of there being no agents for the Victualling-office, nor any stores in the places where the ships then were; We think it reasonable to conclude, that all the several victuallings in the said paper contained being much the greater number, which were neither excused therein, nor said to be ordered, were so provided without any order or excuse whatsoever, and, consequently, were a needless breach of the said good course of the navy; and by taking away the proper checque made to save the public money, must, in our opinion, necessarily have been one of the occasions of the increase of the navy debt.

II. We cannot but observe, that if the said excuse had (in the paper above-mentioned) been applied to all the several instances there, of victualling, in a manner, contrary to the course of the navy, yet it had been insufficient, since it is not alledged, that agents for the victualling, and stores, might not have been timely had in the place where the ships were victualled, if due notice had been given to the commissioners of the victualling, and proper precautions and endeavours had been used to that end.

III. We cannot but think, that carrying this question in the negative, will undoubtedly, encourage this breach of the course of the navy, as it is acknowledged to be, and in consequence, put into the power of every admiral, or commander in chief of any squadron, and every commander of a particular ship, not only to furnish such provisions both in quantity and quality, as they shall think fit, but by letting the men go on shore, when in port, on pretence of supplying provisions, leave a charge on the public for want of the proper cheque, tho' to the detriment of the sea-service

IV. Because by this leave given to the commanders, on the head of the victualling, they have it in their power (through the want of the said true and ancient cheque) to bring a very great charge upon the head of wages which must undoubtedly, as we apprehend, occasion a great waste of the public Treasure, and consequently an increase of the navy debt.

V. Because we think, that to suppose the commander of any squadron or ship, will not, when it is so entirely in his power, do what shall be for his interest, is to believe him less inclined to his interest, than the generality of his fellow subjects on shore.

V. Because, we believe, this house will not discourage taking away proper cheques, 'till proof had, (as urged in the debate) of what had been got by individuals, for want of those cheques; the delay and difficulties attending such an inquiry, will, probably, hinder any discouragement being given of such practices, which are allowed to be contrary to the standing instructions to the commissioners of the victualling, and to the commanders of his Majesty's ships.

W. Ebor.

<i>W. Ebor.</i>	<i>Scarsdale,</i>	<i>Strafford,</i>
<i>Litchfield,</i>	<i>Bristol,</i>	<i>Guilford,</i>
<i>North and Grey,</i>	<i>Boyle,</i>	<i>St. J. de Bletsoe,</i>
<i>Trevor,</i>	<i>Aylesford,</i>	<i>Craven,</i>
<i>Compton,</i>	<i>Uxbridge,</i>	<i>Cowper.</i>
<i>Bingley,</i>	<i>Bathurst,</i>	

The 3d of *February* had been appointed by the Lords to consider of the building ships for foreigners; but the Lord Chancellor not coming 'till their Lordships had waited above two hours, the Earl *Cowper* moved, that in order to go upon the business of the day, they should proceed to the choice of a Speaker *pro interim*; and several noble Lords were named, particularly the Dukes of *Somerset* and *Kingston*: But these going out of the house to avoid it, the Lord *Lechmere* was named next, and like to be chosen. While this matter was debating, the Lord Chancellor came in, and, to excuse himself, said, *He had been attending the cabinet council at St. James's, and that they were but just up*: Several Lords would not admit of that excuse, and suggested, 'That the house of Peers, ' being the greatest council in the kingdom, to ' which all other councils ought to give way, ' ought not to be made to wait on any account;' and therefore moved, that, in order to shew their resentment, the house should adjourn to the *Monday* following; but the question being put thereupon, it was carried in the negative, by forty nine voices against thirty one. Hereupon two and twenty Peers entered the following protest.

Debate in
the house of
Lords about
the Lord
Chancellor's
being absent.

Die Sabbati, 3 Februarii, 1721.

A motion was made to adjourn. The question was put, whether this house shall be now adjourned 'till *Monday* morning next, eleven o' clock.

It was resolved in the negative.

Content 31.

Not Content 49.

Dissentient.

I. **B**Ecaufe the house standing adjourned to this day at eleven o' clock, and a great number of Lords being met, and expecting the coming of their Speaker till near three o' clock; they seemed to us generally to resent this usage, and without any dissent, as we could perceive, proceeded, according to the standing order of the house, towards chusing a Speaker; but meeting with some difficulties as to the persons nominated, the Lord Chancellor came, before any choice was made, and, as soon as the house was sat, the Lord Chancellor alledged, as the reason of his long absence, that he had been summoned to attend his Majesty at *St. James's*, where the business had lasted much longer than was expected, which excuse, tho' it might in great measure, free the Lord Chancellor from the imputation of wilful neglect of duty, yet seems, to us, in no degree to justify the indignity, which we think was, upon the whole matter, done to the house, which is undoubtedly the greatest council in the kingdom, to which all other councils ought to give way, and not that to any other; * and therefore the business of any other council ought not to have detained the Speaker of this house, after the hour appointed for its

* *Here is a various reading, viz. After the words and not that to any other, thus, especially to a council the law and constitution know not, and therefore the business of that council, of all others, ought not, &c.*

meeting;

meeting; and during the time of the day, the house has usually, of late, spent in business; and therefore, we thought, the least resentment the house could shew, on this occasion, to prevent its being used so for the future, was to adjourn without entering on any business, and this the rather, because we foresaw it could not obstruct any public affairs, since the time was so far spent as that no business of consequence could have been gone thro', with effect, tho' entered upon.

II. As we may venture to say, that the dignity of this house has not been, of late years, increased, so we are unwilling, that any thing we conceive to be a gross neglect of it, should pass without some note on our records, that we were sensible of such neglect, and did not approve it, which, we thought, would have been, in some measure, attained by an immediate adjournment. Nor was any other method proposed, and since that could not be effected, we enter this dissent with our reasons, that it may appear to posterity, we were zealous to withstand, in the manner proposed, the farther progress of a practice so injurious, as we conceive, to the honour and authority of this *supreme council*.

<i>Somerset,</i>	<i>Orrery,</i>	<i>North and Grey,</i>
<i>W. Ebor.</i>	<i>Ashburnham,</i>	<i>Compton,</i>
<i>Uxbridge,</i>	<i>Aberdeen,</i>	<i>Bingley,</i>
<i>Montjoy, Vic.</i>	<i>Osborne,</i>	<i>Bristol,</i>
<i>Windsor,</i>	<i>Strafford,</i>	<i>Bathurst,</i>
<i>Weston, E. of</i>	<i>Guilford,</i>	<i>Maynard,</i>
<i>Arran,</i>	<i>Foley,</i>	<i>F. Cestriens,</i>
<i>Litchfield,</i>	<i>Cowper,</i>	<i>Craven,</i>
<i>Boyle, Earl of</i>	<i>Scarsdale,</i>	<i>St. John de Bletsoe.</i>

The Lords having spent three or four sittings on the bills sent up to them by the Commons,

Debate about the bill to restrain the building of ships for foreigners.

their Lordships, on *Saturday* the 10th of *February*, considered in a grand Committee, the *Bill to enable his Majesty to restrain any of his subjects from building ships for foreigners*. Hereupon the Lord *Harcourt* proposed, that a clause might be added, for excepting ships that carried not above 20 guns and 36 men: He was seconded by the Duke of *Argyle*, and supported by the Lord *Carteret*, the Lord *Carleton*, the Lord Viscount *Townshend*, and the Earl of *Scarborough*; but being opposed by the Earls *Cowper* and *Strafford*, the debate was adjourned to the 14th of that month.

That day the Lords went again, in a grand Committee, upon the said bill, and the Earl *Cowper* moved, That in the first clause these words might be added, viz. *Ships of 400 tons and upwards, and 30 men*; but this being strenuously opposed by the Lord *Townshend*, supported by the whole weight of the court party, after a long debate, the said addition was rejected, without dividing; and the farther consideration of that bill was adjourned to the *Tuesday* following, (*Feb. 20.*) when it was likewise resolved to consider the state of the debts of the nation.

Debates about the bill for securing the freedom of elections

The day before (*February 13.*) the Lords read a second time the bill (commonly known by the name of Mr. *Hutcheson's* bill) for the better securing the freedom of elections of members to serve for the commons in parliament; and for the better ascertaining their qualification as to their estates. The lord Chancellor having, as usual, desired to know the pleasure of the house, whether the said bill be committed; the Earl of *Sunderland* stood up, and endeavoured to shew, 'The impossibility of several clauses in that bill being put in execution, without exposing the most innocent persons to the guilt of perjury:' He was answered by the Lord *North* and *Grey*, who was seconded and backed by the Lord *Trevor*, the

the Bishop of *Rocheſter*, and the Earl of *Straf-
ford*: But the Earl of *Sunderland* replied to them,
and being ſupported by the Lord *Townſhend*, and
the Duke of *Argyle*, who ſpoke ſeveral times, the
queſtion for committing the bill being put, was
carried in the negative by 48 voices againſt 30. The bill re-
jected.
Then another motion was made, and the queſtion
put, that the ſaid bill be rejected, which was car-
ried in the affirmative by the ſame majority of
votes, viz. 48 againſt 30. Hereupon ſeveral
Lords entered the following proteſt, viz. Several
Lords pro-
teſt againſt
it.

Die Martiſ, 13 Februarii, 1721.

Hodie 2^a vice lecta eſt billa. An act for the bet-
ter ſecuring the freedom of elections of members
to ſerve for the Commons in Parliament.

And a motion being made, that the ſaid bill be
committed, and the ſame being objected to, af-
ter debate, the queſtion was put, *Whether the ſaid
bill ſhall be committed?* It was reſolved in the ne-
gative. Then the queſtion was put, *Whether the
ſaid bill ſhall be rejected?*

It was reſolved in the affirmative.

Dissentient. Somerſet.

I. **B**Ecauſe the methods of corruption, made
uſe of in elections, and now grown to an
height beyond the example of preceding times,
are, of all others, the greateſt blemiſh to our con-
ſtitution, and muſt, if not remedied, prove fatal
to it, and did therefore chiefly deſerve (as they
can only admit of) a parliamentary cure.

II. Becauſe the Commons, who are beſt quali-
fied to judge of the growth of this evil, and to
point out proper remedies for it, having ſent up a
bill, complaining of the one, and deſiring our
aſſiſtance in the other; it was not, we apprehend,
ſuitable

suited to the dignity and wisdom of this house, to reject such a bill without entering into a free discussion of the particulars of which it consisted, and thereby to give an handle for reflections without doors, as if he had shewn a less degree of zeal against the corruption complained of, than those from whose elections they sprung: Our opinion is, that we should rather have taken this favourable opportunity of joining our endeavours, with theirs, towards the cure of this evil, than have made ourselves liable to objections, for refusing to attempt it, even after such an encouraging step taken by the house of Commons.

III. Because a law against corruption, tho' always desirable, is yet particularly seasonable and necessary, at such a juncture as this, when new elections of members are coming on, and the Parliament for which they shall, by what method soever, be chosen, may continue for seven years. And we think the Lords are the more concerned to obviate the ill consequences of such a choice, because the *septennial act*, which made so remarkable a change in our constitution, had its rise from this house.

IV. Because we are persuaded, that by the terror of the penalties contained in this bill, which were to have operated soon after it passed into a law, a mighty cheque would have been given to the growth of corruption, tho' it should not have been absolutely cured. And we are confirmed in this opinion, by what we have heard, and believe, that while the bill was depending in Parliament, and the fate of it unknown, the infamous practices at which it was levelled, were, in some measure, suspended; and should a farther stop have been put to corruption and bribery, at the approaching elections, by the passing this bill, such
a degree

a degree of success, might have given the legislature hopes of intirely suppressing it.

V. Because, supposing this bill to have been defective in some respects, and not well adjusted in others, to the end designed (a supposition made but not admitted by us) yet the true way of supplying these defects, and making all proper alterations, would have been by committing the bill, and not by rejecting it. In other cases, where a bill of public concern is laid aside by the house, they can easily make amends for that loss, by bringing in a new one, which may more effectually answer the good ends proposed; whereas, in this case, neither is their time sufficient for repeating the attempt, or can any bill of this kind be ever begun in this house, with any reasonable prospect of success.

VI. Because the intention of many chief clauses in the bill, is to provide for the more effectual execution of laws already made to secure the freedom of elections, but hitherto evaded for want of such provisions. And we know not that any argument hath been, or can be used against passing such parts of this bill into a law, but what may, with equal or greater strength, be urged for repealing those laws, which yet are held sacred and inviolable.

VII. Because several oaths are, by laws now in being, required to qualify electors, and the oaths enjoined by this bill, are intended only to strengthen the obligations, under which such electors do, by the known rules of our constitution, already lie: Nor are these oaths attended with any new hardship or difficulty, since they relate only to plain matters of fact, which are certainly known by the electors themselves: And which they will
be

be ready to attest with all solemnity, if they are conscious of their own innocence, in point of corruption: And if they are not, legal punishment of perjury, to which they are subjected, is light, in comparison of the heinous nature of their offence, and the mischievous consequences of it.

VIII. Because that part of the bill which forbids issuing of public money towards the influencing elections, relates to a method of corruption, which, of all others, ought, the most carefully, to be guarded against, and yet was admitted, in the debate to have been frequently practised. And therefore we cannot but wish, that this bill had passed into a law for the sake of that clause, which would have hindered what was given for the security of the subjects rights, and the safety of the kingdom, from being ever employed to the destruction of both. An example of this, set by men in high offices and stations, cannot fail of spreading its influence, through all ranks and orders of men, and procuring impunity and applause for such practices, as all true lovers of their country must wish, might be universally detested and punished.

IX. Because we cannot understand how the objection made to this bill, [*That it removes foundations*] can, with any colour of reason, be supported. On the contrary, we think that the whole design of it, is to recover our old constitution, and re-settle it on those firm foundations, from which it has been removed ever since bribery has been made an usual inlet to Parliament; and that dangerous traffic has been carried on between the electors and the elected, which has undermined the virtuous principles, and may prove fatal to the liberties, of the free people of this realm.

X. Because

X. Because another argument insisted on, in prejudice of the bill, [*that it would give the House of Commons a greater latitude in deciding disputed elections*] seems to us to be equally groundless, for the penalties intended to be enacted by this bill, are to take place only upon prosecutions in the ordinary courts of justice, and cannot come under the cognizance, or be inflicted by the authority of the House of Commons, nor can the courts below be chequed in their proceedings on this head, by the determinations of that House, with which the methods of punishing corruption, prescribed by this act, do not in the least interfere: What therefore was alledged in the debate, can by no means be allowed, that while the Commons are the sole Judges of elections, it is in vain to think of restraining the corruption of electors, since the methods here prescribed, are such, as either operate on the conscience, or will in the common course of law, execute themselves, and though they may be forwarded, yet cannot be frustrated by the intervention of an House of Commons.

XI. Because as the passing this bill, would have been attended with no inconveniencies to the public, so great mischiefs may, we apprehend, ensue upon the rejecting it: The honour of this House may suffer on that account, and corruption of all sorts, will, we fear, receive new life and encouragement, it being a matter of daily, and certain observation; that whenever a bill is brought into Parliament to redress any great disorders in the State, any discountenance given to such a bill, will always countenance and increase such disorders, and make them less capable of remedy in succeeding times, especially when it shall be affirmed in the debate, that all bills of this kind, do more mischief than good; which way of reasoning, should it prevail, would effectually prevent all
future

future attempts towards curing this great evil, and preserving the constitution of Parliaments.

<i>Strafford,</i>	<i>Scarsdale,</i>	<i>Tadcaster</i> (E. of
<i>North and Grey,</i>	<i>Bristol,</i>	<i>Thomond,)</i>
<i>Litchfield,</i>	<i>Craven,</i>	<i>Montjoy,</i> (V.
<i>Maynard,</i>	<i>F. Cestrien,</i>	<i>Windsor,)</i>
<i>Uxbridge,</i>	<i>Aylesford,</i>	<i>Boyle,</i> (E. of
<i>Weston,</i> (E. of	<i>Compton,</i>	<i>Orrery,)</i>
<i>Arran,)</i>	<i>Trevor,</i>	<i>Masham,</i>
<i>Foley,</i>	<i>F. Roffen,</i>	<i>Bingley,</i>
<i>Bathurst,</i>	<i>Salisbury,</i>	<i>Aberdeen.</i>
<i>Kent,</i>	<i>Guilford,</i>	

On the 19th of *February*, there was a great debate in the house of Lords, about the *protest* which several Lords had signed, upon the *bill*, to *prevent corruption in elections*, being rejected; the occasion of which debate was this: While that bill was under consideration in the house of Lords, the Earl of *Sunderland* suggested, ‘ That it had
 ‘ been a common thing, in former reigns, for
 ‘ money to be issued out of the Treasury and even
 ‘ remitted from *France*, for promoting the elec-
 ‘ tion of such persons as were in the court in-
 ‘ terest.’ This suggestion some Lords laid hold on, and therefore in their eighth reason for their *protest* inserted these expressions, That *the issuing of public money towards the influencing elections, related to a method of corruption, which, of all others, ought, the most carefully, to be guarded against, and yet was admitted, in the debate to have been frequently practised, &c.* Hereupon the Earl of *Sunderland* took from thence occasion to represent to the House, ‘ That every member of that illustrious assembly, had, indeed, a right to dissent
 ‘ from, and protest against any bill depending, or
 ‘ any resolution taken in the house; but that it
 ‘ was an intolerable abuse to wrest any man’s
 ‘ words,

The Earl of
Sunder-
land’s
 speech a-
 bout the
 abuse of
protests.

‘ words, and put false constructions upon them,
 ‘ as had been done in an instance relating to him-
 ‘ self. That he durst appeal to any Lord in the
 ‘ house that was not a protefter, whether, in the
 ‘ debate about the bill above-mentioned, he said,
 ‘ or intimated, that the iffuing public money for
 ‘ elections had ever been practifed in *THIS*
 ‘ *REIGN*: For what he meant was only in King
 ‘ *Charles’s* and King *James’s* time. His Lord-
 ‘ ship added, that the business of *PROTESTS* was
 ‘ managed now after another-guefs manner than
 ‘ formerly: For, at present it was grown custo-
 ‘ mary to protest even againft bills that were pas-
 ‘ fed into a law; and to get them printed, and
 ‘ handed about in coffee-houses, and sent all over
 ‘ the kingdom to inflame the minds of the peo-
 ‘ ple, againft the adminiftration; and therefore
 ‘ he thought it high time, to have the method
 ‘ of protesting regulated.’ This fpeech was an-
 fwered by the Earl *Cowper*, who was backed by
 the Lord *North* and *Grey*, Lord Bifhop of *Roche-*
fter, Lord *Bathurst*, Earl of *Strafford*, and Earl
 of *Aylesford*: But they were replied to, by the
 Earl of *Sunderland*, Duke of *Wharton*, Lord Vis-
 count *Townfend*, Duke of *Argyll*, Lord *Carteret*,
 Lord *Harcourt*, and the Duke of *Newcastle*, which
 laft moved for the queftion, *viz.* ‘ Whether the
 ‘ intire entry of the reasons for the faid protefta-
 ‘ tion on the 13th instant, fhall be expunged?’

It was refolved in the affirmative.

Content 55.

Not Content 22.

Dissentient.

I. **B**Ecaufe we are of opinion, that the reasons
 expunged, were both as to the matter and
 form of them, agreeable to precedents in former
 Parliaments, ftill remaining on the journals un-
 cenfured by the houfe.

II. Be-

II. Because we were very desirous, that the arguments contained in those reasons against bribery and corruption in elections; and our zeal for obtaining such remedies as were proposed by the Commons themselves, might appear to posterity, as fully and particularly as possible.

III. Because as the practice of expunging reasons is not ancient, so the method taken upon this occasion of expunging many reasons, of various kinds, by one general question, is, we conceive, unreasonable in itself, and is countenanced but by one precedent on our books.

W. Ebor.

Cowper,

Maynard,

Ashburnham,

Compton,

Uxbridge,

Strafford,

Aylesford,

Weston, (E. of

Arran.)

F. Roffen,

Montjoy, (V.

Windsor.)

Bristol,

North and Grey.

Guilford,

Foley,

Bingley,

Litchfield,

F. Cestrien.

Boyle, E. of

Orrery.)

Bathurst,

Aberdeen.

Die Lunæ 19 Februarii, 1721.

The order of the day for the house to be in a Committee again, to take into farther consideration the causes of contracting so large a navy debt, being read, a motion was made, that the house be put into the said Committee, on this day three weeks. After debate, the question was put, that the house be put into a Committee again, to take into farther consideration, the causes of contracting so large a navy debt, on this day three weeks?

It was resolved in the affirmative.

Dissentient.

I. **B**Ecause the putting off the farther consideration of the causes of the navy debt, to so distant

distant a day, after so long an adjournment of the same matter already had, is, as we conceive, not only a discouragement and delay, but as the session may happen to end, will totally prevent (at least during this session) that inquiry, which, as we apprehend, would greatly have tended to the public good, in hindering so large a navy debt from being contracted for the future.

II. Although the said inquiry hath been a great while depending, yet, a very few days only, it appears by the journal, have been allowed for it, and one of those was employed in reviewing two questions, which were at first kept from being put by previous questions, and therefore we conceive a few days more ought not to have been denied, for the looking into a matter of so very great importance to the public.

III. We apprehend, that all matters properly brought before either house of Parliament, especially inquiries into mismanagements of the public business, ought, if the time will allow it, to be freely and fully discussed, and determined one way or other, and ought not to be kept off from coming to any determination, by one long adjournment after another, till the session be ended.

IV. Because it was alledged in the debate, as a reason against so long an adjournment, that the subject matter of the inquiry was not near exhausted, that the points already considered and determined, had no relation to those proposed to be considered in the farther inquiry, and consequently the determination of the former, could in no degree prejudice the latter, or make the going upon them needless or improper, and to evince

this, several of the particulars designed to have been proceeded upon, were specified, as

That it appeared by extracts of several letters on the table, especially by a letter from the navy board, dated 13 *Feb.* 1701, that the practice of turning over companies, or part of companies, from one ship to another, without their officers, was a charge to the crown, by confounding accounts and otherwise, as well as disgustful to the seamen.

That by other papers before the house, it appeared, that several squadrons have gone out of late, without muster-masters, whose office and duty it is to detect frauds in pay, and on the head of victualling.

That in the year 1720, 2201 men were employed in the yards, more than in the year 1714, and 2627 men more than in the year 1698; and that the wages of those men have of late been greatly increased, both which, for ought appeared to us, are an unaccountable increase of that charge to the public.

That since the year 1714, many new Captains and Lieutenants had been made, while great numbers have been kept in half pay, and unemployed, besides those created on vacancies, which happened while the ships were abroad, and by that means an unnecessary charge has been continued on the public, and the elder Officers disobliged.

That without any order or establishment, by his Majesty in council, pay has been allowed, contrary to the usage of the navy, to Flag-officers at home during the winter, on pretence of their making a journey or two, to see their squadrons equipped.

That without such order or establishment of his Majesty in council, Captains and Commanders of small numbers of ships, have been paid as Rear-Admirals, on pretence of having Captains
under

under them, and in but one instance that we could observe, a reason given, why they had Captains under them, unless it was to colour their having such pay.

And we are well assured, that on farther inquiry it will appear.

That new Lieutenants have been made abroad, and old ones fit to serve, sent home, to be put in half pay.

That flags have been paid in double or treble capacities.

That flags and other Officers have been paid, as in higher stations, than those they served in.

That two or three flags of the same sort have been paid at the same time.

That retrospections of pay have been allowed to flags, and other Officers.

All which being against the ancient Oeconomy of the navy, and wasteful of the public treasure, we think should have been inquired into without loss of time.

These mismanagements, as we take them to be, and others might have appeared on farther consideration of this matter, contributing, as we apprehend, to waste the public treasure, must necessarily have been, in a great degree, an occasion of contracting so large a navy debt; and therefore we are of opinion, that one or more farther days, which would probably have fallen within this session, should have been appointed for the taking them into consideration, which not being done, we the rather enter this protest, with our reasons, as what, we hope, may give an occasion to the resuming the thoughts of this matter, in another session of Parliament.

*W. Ebor.
Montjoy, (V.
Windsor.)*

*Boyle, (E. of
Orrery.)
F. Cestrien.*

Q 2

*Compton.
Bathurst.
Cowper.
Fr. Roffen.*

<i>Fr. Roffen.</i>	<i>Aberdeen.</i>	<i>Foley.</i>
<i>Ashburnham.</i>	<i>Bingley.</i>	<i>Aylesford.</i>
<i>Uxbridge.</i>	<i>Bristol.</i>	<i>Guilford.</i>
<i>Strafford.</i>	<i>North and Grey.</i>	

Die Martis 20 Februarij, 1721.

The order of the day for taking into consideration the state of the national debt being read, a motion was made, and the question was put, That it appears by the state of the public debt, before this house, that the same (exclusive of the debt of the navy) is increased between the 31st of *December, 1717*, and the 31st of *December, 1720*, at least the sum of 2,300,000 *l.* notwithstanding that the sinking fund, hath produced within that time, 1,210,385 *l.* 14 *s.* 6 *d.* 3 *q.*

Content 23.
Not Content 50.

It was resolved in the negative.

Dissentient.

BEcause the question consisted wholly of matters of fact, which were exactly agreeably to a paper laid before the house by the proper officers, on the address of this house; and it is not reasonably to be presumed, that the officers, of the crown would state the debt higher than it really was, so we cannot but think nothing was alledged in the debate, that made it appear the debt was less than stated in the question; but on the contrary, had the exact quantum of the debt been material to have been inquired into, on this occasion, it was evident to us, even from a memorandum at the bottom of the same paper, that the debt was in reality, much higher the 31st of *December, 1720*, than stated in the question,

W. Ebor.

<i>W. Ebor.</i>	<i>Strafford,</i>	<i>Aberdeen</i>
<i>Cowper,</i>	<i>F. Cestrien.</i>	<i>North and</i>
<i>Weston, E. of Ar-</i>	<i>Montjoy, V. Wind-</i>	<i>(Grey,</i>
<i>Guilford, (ron</i>	<i>Bathurst, (for,</i>	<i>Foley,</i>
<i>Asburnham,</i>	<i>Boyle, E. of Orre-</i>	<i>Uxbridge,</i>
<i>Fr. Roffen.</i>	<i>Bristol, (ry,</i>	<i>Litchfield.</i>

Then a motion was made, That the lessening the public debts annually, by all proper methods, is necessary to the restoring and preserving the public credit: And a question being stated thereupon, after debate, the previous question was put, whether the said question shall be now put?

It was resolved in the negative.

Dissentient.

1. **B**Ecause, as the main question is undeniably true, and seems to us to be so, by its being prevented to be put by the previous question, so we think it would have been highly expedient, and useful to the public, to have had it put, and voted in the affirmative, that by the declared opinion of this house (which must always be of the greatest authority) those who are more immediately concerned to take care of the public credit, might not rely on vain and deceitful projects, for restoring and preserving the credit of the nation, but apply themselves seriously and diligently to bring about the only effectual means of doing it.

2. Altho' so clear and evident a truth, as is contained in the main question, cannot, when proposed, but obtain the consent of all, especially of such as are qualified to be in great Stations; yet at this juncture, when the public is under so great necessities, from the unexampled pressure of debts; and when all other remedies, hitherto attempted, hath proved ineffectual, if not mischievous, we cannot but con-

ceive it was extremely proper, and must have greatly conduced to the restoring and preserving the public credit, to have quickened the endeavours for that purpose, of all in the public service, by so high an authority, as a resolution of this house, not only pointing out to them the way they should take towards that good end, but intimating also, that as far as is possible to be attained, the doing so would be expected from them; and therefore we conceive, the main question should have been put, and voted, (as we think it must have been,) had it been put, in the affirmative.

<i>W. Ebor.</i>	<i>F. Roffen.</i>	<i>Aberdeen,</i>
<i>Cowper,</i>	<i>Strafford,</i>	<i>North and Grey,</i>
<i>Weston, E. of</i>	<i>F. Cestrien.</i>	<i>Foley,</i>
<i>Arran,</i>	<i>Bathurst,</i>	<i>Uxbridge,</i>
<i>Guilford,</i>	<i>Boyle E. of Orre-</i>	<i>Litckfield,</i>
<i>Asburnham,</i>	<i>Bristol,</i>	<i>(ry,</i>

Farther debate about
Protests.

On the 22d of *February*, the Lords took into consideration, the manner of *protesting*; but after some debate, the same was adjourned to *Tuesday* the 27th of *February*, when the Earl of *Sunderland*, took notice, ‘ That the privilege of entering *Protests* had, of late, been so much abused, that, in his opinion, some restraint ought to be put to it, by limiting the time for entering *Protestations*, upon asking leave of the house, which was never denied:’ And therefore he moved, ‘ That such Lords as shall enter their *Protestations* with reasons, shall do the same before two o’clock the next sitting day, and, signing them before the house rises.’ This was opposed by the Lord *Cowper*, who alledged, ‘ That the time being so short, and very few Lords coming so early, such an order would, in effect, put an end to all *Protesting*, which
‘ was

‘ was an ancient privilege of that house.’ The Lord Bishop of *Rockester* added, ‘ That if *Protests* were limited to so short a time, this was, at least, the way to have them *crude and undigested*; and, he thought it *unbecoming the dignity of that august assembly to have any thing entered upon their journals, which were records for after ages, before it had been duly considered on, and well digested.*’ He was supported by the Lords *Bathurst, North and Grey, and Trevor*: But they were opposed by the Lords *Townshend and Onslow, the Earl of Sunderland, the Bishop of Peterborough, the Duke of Argyle, and the Lord Carteret*; and the question being put upon the said motion, it was resolved in the affirmative, by 48 voices against 18. And an order was made pursuant to the said resolution. Then a motion was made, That the said *Order be made a standing order of this house, &c.* but the debate upon that motion was adjourned to *Saturday the 3d of March*, when all the Lords were ordered to be summoned.

Order about
the time of
protesting.

On *Friday the 2d of March*, the Lords read a second time, an ingrossed bill from the Commons, intituled, *An act to prevent the clandestine running of goods, &c.* And the question being put, *whether this bill shall pass*; it was resolved in the affirmative, upon which several Lords entered the following *Protest, viz.*

Dissentient.

1st. **B**Ecause we are very sensible of the ill consequences that attended the pernicious practice of running goods, and therefore wish some reasonable, proper, and effectual method, (which we do not take this bill to be) might have been set on foot to prevent it.

Protest against the bill to prevent the clandestine running of goods.

2dly, Because the making the alteration by a former bill, from ships of 15 tons, to those of 30, has not proved to any advantage, as we find no ground to hope, that the farther raising this prohibition to ships of 40 tons, as is done by this bill, will be effectual; but we think there is reason to fear, that it may be a great prejudice to the coasting trade in particular, since the owners of such vessels are thereby subjected to the heavy penalty of losing their ships, when possibly they may be intirely innocent themselves, and the fault may be committed only through the folly and knavery of the Sailors, which will discourage the lending small vessels to those who trade in them, by which a great part of the coast trade is at present carried on.

3dly, Because the penalty of banishment in the bill seems, in some cases, to be annexed to a very small offence: We do not think it too great for any one, who shall be taken with goods of any considerable value, and with a manifest intent to defraud his Majesty of his customs; but as the bill is worded, it will as we conceive, extend to any gentleman, if armed, returning from his travels, who has about him, knowingly, the least trifle, that has not been entered and paid duty, though he has not the least design to defraud the King of his customs, or thinks he is transgressing any law whatsoever; and we do not think fit to depend that so severe a law may not, in such hard cases, be sometimes executed with rigour.

4thly, Because it was endeavoured, but without success, at the Committee, to have excepted the barges of Noblemen, and of the Lord-Mayor, and Companies of the city of *London*, which cannot be supposed to be used (and the great barges of state belonging

belonging to the city cannot be used) in the running of goods ; and therefore we conceive, the making it necessary for noblemen, or the Lord Mayor and companies, to apply to the admiralty for a licence to use their own barges on the river *Thames*, or lay aside the use of them for want of such licences, which cannot be obtained, without giving such security as will bind and incumber the real estates of the obligers, to be not only a great and unnecessary indignity, but also an invasion of property, especially in the case of the barges belonging to the city of *London*, which city has an ancient right to the conservation of the river of *Thames*, and as high an interest in it as is possible to be had in any navigable river, and therefore we think it absurd, as well as injurious to property, to compel the great officers and companies of the city to ask and give security, for a licence to navigate or pass on that part of the *Thames*, which may not improperly be called their own river.

5^{thly}, It seems to us partial and unjust, that the prohibition of barges and other vessels, described in the bill, should be confined only to the counties for that purpose named in the bill, and not to other maritime counties, especially such as are most infamous for running goods, where tho' the vessels described may not as yet be so much in use as in the counties named, yet will undoubtedly be more used in other counties not named, when they can no longer be kept in the counties or places the bill extends to : And we conceive laws should not make a distinction, where there is no difference in reason, on a dependence that it may be supplied by a new law, another opportunity.

6^{thly}, Because the time allowed by the bill, (*viz.*) to the 25th of this instant *March*, either to dispose of the barges and other prohibited vessels, or obtain licences for the keeping them, is much too short, as
we

we conceive, and will prove the occasion of more hardships being done, that can possibly be foreseen.

<i>Scarsdale,</i>	<i>Masbam,</i>	<i>Compton,</i>
<i>Strafford,</i>	<i>St. John de Bletsoe,</i>	<i>North and Grey,</i>
<i>Bristol,</i>	<i>Guilford,</i>	<i>Fr. Roffen,</i>
<i>Aberdeen,</i>	<i>Bathurst,</i>	<i>Craven,</i>
<i>Boyle,</i>	<i>Weston,</i>	<i>Cowper,</i>
<i>Montjoy,</i>	<i>Uxbridge,</i>	<i>Litchfield.</i>
<i>Foley,</i>		

The next day (*March 3d*) the Lords according to order, proceeded to take into consideration the motion made on *Tuesday* last, for making the order then made, (*viz.* That such Lords as shall enter their protestations with reasons, shall do the same before two o' clock the next sitting day, and sign them before the house rises) a standing order of this house, and that the same be entered on the roll of standing orders, instead of the order of the 5th of *March*, 1641.

And the said order being read: After debate, the question was put, whether the said order shall be made a standing order of this house, and entered on the roll of standing orders, instead of the said order of the 5th of *March*, 1641. Which being resolved in the affirmative, several Lords entered the following protest, *viz.*

Dissentient.

1st, **F**OR that the standing order, in relation to the time of entering protestations, was made above eighty years since, and was restrictive of an ancient right; and yet in all that time, till now, has never been thought not to have restrained that right enough; but on the contrary, whenever longer time than is allowed by that order has been asked, as it has

has been done in innumerable instances, it was never once denied as we believe; which shews, that the constant opinion of this house has hitherto been, that the restraint brought upon that ancient right of the Lords, by that old order, has been rather too much, than too little.

2dly, The abridging the right of protesting with reasons, will yet more necessarily cause the reasons to be penned with less accuracy, and probably longer than they would have been, had more time been allowed; which though it may gratify those who differ in opinion from the protestors, yet will hurt the honour of the house, as we conceive, and the dignity of the records thereof: For we can by no means allow, that as much time should not be afforded to word the Lords reasons, which are to be entered on the journal, as would be necessary to the wording of a pamphlet designed to be printed and published.

3dly, Because we conceive, that if this farther restraint does not render the protesting quite impracticable, yet it must prove very incommodious and troublesome to the Lords, who would make use of that their undoubted right; for if a debate should take up any long time, as most debates of consequence should do, the intermediate time allowed, is, in our opinion, not sufficient for Lords, who design to protest, to meet and bring their several reasons together, and afterwards express them with that clearness, and so unexceptionably as they ought to do; and besides, get them fairly and correctly entered on the journal; so that, in our opinion, they must very often either be excluded from entering and signing their reasons, or endure a great deal of hardship and inconvenience, by denying themselves usual rest and refreshment (as is very obvious without farther explanation) and be obliged to come long before their ordinary duty of attending the business of the house

house requires, so that we conceive this new restraint will either hinder the protesting with reasons, or amount to a kind of punishment on those Lords, who shall make use of their ancient and undoubted right of protesting.

4thly, There seems to us less reason for this step, because if the liberty of entering protestations with reasons, be in any degree abused, the house can and does order them, or such parts of them, as can be reasonably objected to, to be expunged: And this observation is yet stronger, for that, of late, precedents have been made of expunging a great number of reasons, and of a various nature, by one general question, which is a very expeditious remedy for any abuse that can happen.

5thly, If ever there should be a time when the utmost candour and fairness is less in use than at present, this new restriction on the right of protesting with reasons, may open a gap to many artifices and unfair practices, in prejudice of that right. Clerks may come later than usual, pretend other business, or write slower, or use other shifts, to avoid perfecting the entry of the reasons, till after the time allowed, especially if they shall think, though falsely, they gratify a majority of the house by so doing, which will make them, at least, hope for impunity, or if not so disposed, they may be on the other hand induced, and not unreasonably, to write faster, and more loosely than will become the journal of this house, that the entry may be finished within the time limited. We do not pretend to enumerate all the ways of making this alteration of the old standing order, more inconvenient than appears at first sight, but only specify these few.

6thly, We do not think the right of entering protestations with reasons has been, of late, abused, so
as

as to give occasion for this new restriction, though it may have been used, of late, more frequently than formerly; for which, according to our opinions, there hath been very proper occasions given, and since we cannot but think the right of protesting with reasons, a valuable and useful privilege, we must confess our fears, lest these restrictions, though not now intended so, should end, at length, in a total extinction of that right.

<i>W. Ebor.</i>	<i>Strafford,</i>	<i>North and Grey,</i>
<i>Fr. Cestriens.</i>	<i>Bristol,</i>	<i>Fr. Roffen,</i>
<i>Uxbridge,</i>	<i>Boyle,</i>	<i>Weston,</i>
<i>Bathurst,</i>	<i>Aberdeen,</i>	<i>Foley,</i>
<i>Cowper,</i>	<i>Litchfield,</i>	<i>Trevor,</i>
<i>St. John de Bletsoe,</i>		

Then the order was read for taking into consideration, the protestations entered on the *Journal* of this house, on the 19th and 20th days of *February* last. And the several reasons in the protestation entered the 19th of *February* last, against putting off the farther consideration of the causes of contracting so large a navy debt, for three weeks, being read, It was proposed, That from the word [*specified*] in the tenth line of the fourth reason, to the end of the said protestation, be expunged. And it being moved to adjourn, the question was put, Whether this house shall be now adjourned till *Monday* morning next?

It was resolved in the negative.

Then the question was put, Whether all that is contained in the said protestation after the word [*specified*] in the tenth line of the fourth reason, shall be expunged?

It was resolved in the affirmative.

Dissen-

Dissentient.

BEcause when we were giving reasons against putting off the farther consideration of the causes of contracting the navy debt, by long adjournments, probably for the whole session, as we thought no reason could be more proper, than that the subject matter of that inquiry was not exhausted, but that very material business remained to be considered on that head, so we did, and do yet conceive, that the following the general assertion, with an enumeration of the particular matters, which yet did remain to be inquired into, as well as such as arose from papers already before the house, as others, which we are well assured would arise in the farther progress of that business (from papers designed to be called for) did make the said general argument, which stands expunged, more strong, as well as more fair and candid, by shewing it was well founded on particulars: And altho' the house has not thought fit to print the said enumeration of particulars, to stand on the journal, yet, we conceive, we have attained this advantage by having entered them, that it cannot be objected to us now, that we generally affirmed more business of consequence remained for that committee to do, without being able to instance or specify what in particular.

*W. Ebor.**Fr. Cestriens.**Uxbridge,**Bathurst,**Cowper,**St. John de Bletsoe,**Strafford,**Bristol,**Boyle,**Aberdeen,**Litchfield,**North and Grey,**Fr. Roffen,**Weston,**Foley,**Trevor.*

Then the reasons for the protestation entered the 20th of *February* last, on consideration of the state of the national debt, being read: And the question being put, Whether the intire reasons for the said protestation shall be expunged?

It was resolved in the affirmative.

Dissen-

Dissentient.

BEcause, we conceive, that there is no instance of expunging the reasons of a protest, unless they were thought to contain something indecent to the house, or alledged matters of fact that were false. The first is not presumed in the present case; and as to the second, the matters depending upon figures, there can be no dispute, but upon the method of calculation, and if the Lords, who signed the protest, did choose to follow the method observed by the officers of the *Exchequer*, rather than any other, we do not conceive their reasons founded on such authority, deserved to be expunged; neither do we think the said Lords were obliged to make deductions from the *Exchequer* accounts which were laid before the house, without making the proper addition, at the same time. For it must be agreed, that if the debt stated in 1717. was but 47 millions, 800000 *l.* and in the year 1720. above 50 millions, the bringing the annuities into the *South-sea* company, may occasion an increase of about two millions and a half, and the army debentures, not yet brought to account, are estimated at about half a million more, and the debt of the navy is near two millions: So that the whole appears to be about 55 millions, and the increase of the national debt since it was stated in 1717. might therefore be reckoned about seven millions; and deducting the million of *Exchequer* bills lent to the *South-sea* company, the real increase of the national debt, above what it was stated at in the year 1717. appears, to us, at this time, about six millions. But as the reasons were founded on the account laid before the house, which kept in the million of *Exchequer* bills as a debt, and excluded all the other articles, we conceive they ought not to have been expunged, since the under-reckoning the debt was not the objection made against them.

Fr. Cestriens,

<i>Fr. Cestriens.</i>	<i>Strafford,</i>	<i>Guilford,</i>
<i>Uxbridge,</i>	<i>Bristol,</i>	<i>North and Grey,</i>
<i>Bathurst,</i>	<i>Boyle,</i>	<i>Fr. Roffen,</i>
<i>Cowper,</i>	<i>Aberdeen,</i>	<i>Weston,</i>
<i>St. John de Bletsoe,</i>	<i>Litchfield,</i>	<i>Foley,</i>
		<i>Trevor.</i>

On *Monday* the 5th of *March*, the order was read, taking into consideration the protestation entered in the journal of this House the 17th of *January* last: And the several reasons for the said protestation being read, after debate, the question was put, whether the intire entry of the reasons, for the said protestation, on the 17th of *January* last, shall be expunged; which being resolved in the affirmative, several Lords entered the following *Protest*, viz.

Dissentient.

BEcause former reasons entered against some late resolutions for expunging, do as we conceive, equally extend to justify our dissent to this resolution, and therefore to avoid repetition, we refer to those reasons, with this farther, that we do not find, and believe there is not any precedent, wherein reasons for a protestation have been taken into consideration by the House, so long after they were entered, as in the present case; and the inconveniences of doing so, are, in our opinion very manifest.

<i>Strafford,</i>	<i>Bathurst,</i>	<i>Foley,</i>
<i>Craven,</i>	<i>Boyle,</i>	<i>Aberdeen,</i>
<i>North and Grey,</i>	<i>Litchfield,</i>	<i>Fr. Cestriens.</i>
<i>Uxbridge,</i>	<i>Montjoy,</i>	<i>Cowper,</i>
<i>Guilford,</i>	<i>St. John de Bletsoe,</i>	<i>Fr. Roffen.</i>

On *Wednesday*, the 7th of *March*, the King went to the House of Peers, with the usual state and solemnity, and the Commons being sent for up, and attending, their Speaker, upon presenting the money bill, made the following notable speech to his Majesty, *viz.*

The Speaker
of the house
of Com-
mons, speech
to the King.
March 7th.

Most gracious Sovereign,

THIS is the seventh year in which your Majesty's faithful Commons, without burthening your people with any new or unusual taxes, have readily and chearfully granted to your Majesty the necessary supplies, not only for carrying on the ordinary expences of the government, but for the maintaining the honour and dignity of the crown; and at the same time, they have omitted no opportunity of easing the public incumbrances, and of putting the national debt into a method of payment: For no sooner your Majesty, by the vigilance of your councils, and the success of your arms, restored and secured the public peace and tranquillity, but your Commons immediately found means to reduce the interest of the national debt, and thereby set apart a fund, which, by a farther reduction of interest since made by your Commons, will in a few years, be considerably increased, and the payment of the principle become practicable; and from which your Majesty's trading subjects have already reaped this immediate Benefit. That your Commons have been enabled, during this session, without endangering the security of any Parliamentary engagements, to take off such duties as were found by experience to be most prejudicial to the trade and manufactures of your kingdoms: And as your Commons were apprehensive, that the debt of the navy was rising to such an height, as would, if not timely prevented, necessarily affect and depreciate all other public credit; and which would inevitably increase the charge and expence of the current service; they have there-
fore

fore unanimously agreed on such methods of discharging so much of that debt, as will effectually prevent the mischiefs they apprehended, and can be no ways burthensome to their fellow subjects.

Thus have your Commons fully and happily completed every thing which your Majesty was graciously pleased to recommend to them at the beginning of this session; and whenever your Majesty, in your royal wisdom, shall again think it proper to meet your people in Parliament, may they imitate your present house of Commons in our duty and affection to your Majesty, in our steadiness and resolution to support your government! May they continue, with like application and diligence, to extend trade and commerce, the true and natural source of wealth and plenty in these kingdoms! And we should think ourselves happy, if even our mistakes might be of service to your Majesty, by being a warning to those that come after us; and that when the wisdom of your Majesty's councils, and the steadiness of your administration, shall have restored credit to its former flourishing condition, they may not grow wanton with too much prosperity, but may proceed with such caution and prudence in their endeavours to lessen the national debt, as may put it out of the power of any set of men, to produce misery and distress, from what shall be proposed for the ease and benefit of your people: And that, by the blessing and assistance of Divine providence, they may so effectually unite the affections of your people, and firmly establish your Majesty's throne, *That the scepter may not depart from your royal house, nor a lawgiver from between your feet!* That the ancient legal constitution of this kingdom, in King, Lords, and Commons, may be perpetuated in your Majesty, and your royal posterity, till time shall be no more.

Your Majesty having been, at different times, in the course of this session, graciously pleased to accept such supplies, as your Commons offered to your Majesty

jeſty for the ſervice of this year, they do now humbly pray your Maſteſty's like gracious acceptance of a bill they have prepared for diſcharging the debt of the navy, intituled, *An act for paying off, and cancelling one million of exchequer bills, &c.*

After this the King gave the royal assent to several public acts.

After which his Majesty was pleased to make the following most gracious speech.

My Lords and Gentlemen,

Y O U could not have given me a more acceptable instance of your zeal and affection, than by dispatching with so much unanimity, the several particulars I recommended to you at the beginning of this session, for the ease and advantage of my people.

‘ The many and great encouragements you have
‘ given to our trade and manufactures, and the
‘ provision you have made for our being supplied
‘ with naval stores from our own plantations, will,
‘ I make no doubt, excite the industry of my sub-
‘ jects, employ a greater number of the poor, in-
‘ crease our navigation, and be a considerable ad-
‘ dition to the riches and strength of this nation.

Gentlemen of the house of Commons,

‘ The raising the current supplies of the year,
‘ and the making a provision for the discharge of
‘ so considerable a part of the debt of the navy,
‘ is a farther proof of your affection to me, and
‘ your regard for the public; and your doing it in
‘ a manner so little burthensome to my people,
‘ gives me the greatest satisfaction.

My Lords and Gentlemen,

‘ I cannot in justice part with this Parliament,
‘ without returning you my sincerest thanks, for
R 2 ‘ your

‘ your steady and resolute adherence to my person
‘ and government, and to the interest of the pro-
‘ testant cause, both at home and abroad. The
‘ enemies of our happy constitution have given the
‘ strongest and most honourable testimony of your
‘ behaviour in these particulars, by the implaca-
‘ ble malice, which they have, upon all occasions,
‘ expressed against you.

‘ You must all be sensible, that they are, at
‘ this juncture reviving with the greatest industry,
‘ the same wicked arts of calumny and defamation,
‘ which have been the constant preludes to public
‘ troubles and disorders; and such is their infatua-
‘ tion, that they flatter themselves the grossest
‘ misrepresentations will turn to their advantage,
‘ and give them an opportunity of recommending
‘ themselves to the favour and good opinion of
‘ my people; but I have so just a confidence in
‘ the affection of my subjects, and in their regard
‘ for their own welfare, that I am persuaded they
‘ will not suffer themselves to be thus imposed up-
‘ on, and betrayed into their own destruction.

‘ For my part, as the preservation of the con-
‘ stitution in church and state shall always be my
‘ care, I am firmly determined to continue to coun-
‘ tenance such as have manifested their zeal for
‘ the present establishment, and have the religious
‘ and civil rights of all my subjects truly at heart;
‘ and I question not that behaviour, which has
‘ justly recommended them to me, will effectually
‘ secure to them the good will of all that are well
‘ affected to my government; and will convince
‘ the world, that the expectations of those are very
‘ ill grounded, who hope to prevail with a prote-
‘ stant free people, to give up their religion and
‘ liberties into the hands of such as are enemies to
‘ both.’

And

And then the Lord Chancellor, by his Majesty's command, said.

My Lords and Gentlemen,

‘ **I** T is his Majesty's royal will and pleasure,
 ‘ that this Parliament be prorogued to *Thurs-*
 ‘ *day* the fifteenth day of this instant *March*; and
 ‘ this Parliament is accordingly prorogued to
 ‘ *Thursday* the fifteenth day of this instant *March*.’

Three days * after, the King in council, a * Mar 10th. The Parli-
ment dis-
solved.
proclamation was signed, and published that very
 day, for *dissolving the present Parliament, and de-*
claring the speedy calling another. Accordingly,
 on *Tuesday*, the 13th of *March*, two other *pro-*
clamations were signed, and published, one for *call-*
ing a new Parliament, the writs to bear *teste* the A new Par-
liament call-
ed.
 14th of this instant *March*, and be returnable on
Thursday the 10th of *May* next following; the
 other, in order to the *electing and summoning the*
sixteen Scotch Peers.

The first session of the second Septennial Par-
liament.

O N *Tuesday* the 9th of *October*, the *sixth* Par- Opening of
the sixth
Parliament
of Great
Britain.
 liament of *Great Britain* being met at *West-*
minster, pursuant to the late proclamation for that
 purpose, his Majesty came to the house of Peers,
 with the usual state and solemnity, and the Com-
 mons being sent for up, and attending, his Maje-
 sty's pleasure was signified to them, by the Lord
 Chancellor, that they should return to their house
 and chuse a Speaker, and present him to his Ma-
 jesty the *Thursday* following. The Commons be-
 ing returned accordingly, Mr. *Pulteney* made a
 motion for chusing the honourable *Spencer Comp-*
ton Esq; their Speaker, as a person of known abi-
 lities and consummate experience, and in all ref-
 pects,

The ho-
nourable
Spencer
Compton Esq;
chosen
Speaker of
the Com-
mons.

The King's
speech to
both houses
October 11th.

pects, qualified for so arduous and important an employment, which he had already discharged with universal applause, in the last Parliament. This motion was immediately seconded, and supported by a great many voices; and only one member having raised some objections to it, the honourable *Spencer Compton* Esq; was unanimously chosen Speaker. Two days after (*October 11th*) his Majesty being come again to the house of Peers with the usual state and solemnity, and the Commons being sent for up and attending, they presented there Speaker, who, in an eloquent speech modestly endeavoured to disqualify himself; but his Majesty did not allow of this excuse, and by the mouth of the Lord Chancellor, signified his approbation of the choice the Commons had made of a Speaker. Then his Majesty was pleased to say from the throne, that he had commanded the Lord Chancellor to declare the causes of calling this Parliament, in his Majesty's name and words: Whereupon the Lord Chancellor read his Majesty's speech to both houses, as follows.

My Lords and Gentlemen,

‘ I AM concerned to find my self obliged, at the
‘ opening of this Parliament, to acquaint you,
‘ that a dangerous conspiracy has been for some
‘ time formed, and is still carrying on, against my
‘ person and government, in favour of a popish
‘ pretender.

‘ The discoveries I have made here, the infor-
‘ mations I have received from my ministers a-
‘ broad, and the intelligences I have had from the
‘ powers in alliance with me, and indeed from
‘ most parts of *Europe*, have given me most am-
‘ ple and concurrent proofs of this wicked design.

‘ The conspirators have by their emissaries made
‘ the strongest instances for assistance from foreign
‘ powers, but were disappointed in their expecta-
‘ tions;

‘ tions; however, confiding in their numbers,
‘ and not discouraged by their former ill success,
‘ they resolved once more, upon their own strength,
‘ to attempt the subversion of my government.

‘ To this end they provided considerable sums
‘ of money, engaged great numbers of officers
‘ from abroad, secured large quantities of arms
‘ and ammunition, and thought themselves in such
‘ readiness, that had not the conspiracy been time-
‘ ly discovered, we should without doubt, before
‘ now, have seen the whole nation, and particular-
‘ ly the city of *London*, involved in blood and
‘ confusion.

‘ The care I have taken has, by the blessing of
‘ God, hitherto prevented the execution of their
‘ traiterous projects; the troops have been en-
‘ camped all this summer; six regiments (though
‘ very necessary for the the security of that king-
‘ dom) have been brought over from *Ireland*; the
‘ *States General* have given me assurances, that
‘ they would keep a considerable body of forces
‘ in a readiness to imbark on the first notice of
‘ their being wanted here, which was all I desired
‘ of them, being determined not to put my peo-
‘ ple to any more expence, than what was abso-
‘ lutely necessary for their peace and security.

‘ Some of the conspirators, have been taken up
‘ and secured: And endeavours are used for the
‘ apprehending others.

My Lords and Gentlemen.

‘ Having thus in general laid before you the
‘ state of the present conspiracy, I must leave to
‘ your consideration what is proper and necessary
‘ to be done for the quiet and safety of the king-
‘ dom. I cannot but believe the hopes and ex-
‘ pectations of our enemies are very ill grounded,
‘ in flattering themselves, that the late discontents,
‘ occasioned by private losses and misfortunes,

‘ however industriously and maliciously fomented,
‘ are turned into disaffection and a spirit of re-
‘ bellion.

‘ Had I, since my accession to the throne, ever
‘ attempted any innovation in our established reli-
‘ gion ; had I, in any one instance, invaded the
‘ liberty or property of my subjects, I should less
‘ wonder at any endeavours to alienate the affecti-
‘ ons of my people, and draw them into measures,
‘ that can end in nothing but their own destruc-
‘ tion.

‘ But to hope to persuade a free people in full
‘ enjoyment of all that is dear and valuable to
‘ them, to exchange freedom for slavery, the pro-
‘ testant religion for popery, and to sacrifice at
‘ once the price of so much blood and treasure, as
‘ have been spent in defence of our present esta-
‘ blishment, seems an infatuation not to be ac-
‘ counted for. But however vain and unsuccess-
‘ ful these desperate projects may prove in the
‘ end, they have at present so far the desired ef-
‘ fect, as to create uneasiness and diffidence in the
‘ minds of my people ; which our enemies labour
‘ to improve to their own advantage. By form-
‘ ing plots they depreciate all property that is
‘ vested in the public funds, and then complain of
‘ the low state of credit : They make an increase
‘ of the national expences necessary, and then
‘ clamour at the burthen of taxes, and endeavour
‘ to impute to my government, as grievances, the
‘ mischiefs and calamities, which they alone create
‘ and occasion.

‘ I wish for nothing more, than to see the pub-
‘ lic expences lessened, and the great national debt
‘ put in a method of being gradually reduced and
‘ discharged, with a strict regard to parliamentary
‘ faith ; and a more favourable opportunity could
‘ never have been hoped for, than the state of
‘ profound peace, which we now enjoy with all
‘ our

‘ our neighbours. But public credit will al-
‘ ways languish under daily alarms and apprehen-
‘ sions of public danger : And as the enemies
‘ of our peace have been able to bring this
‘ immediate mischief upon us, nothing can pre-
‘ vent them from continuing to subject the nation
‘ to new and constant difficulties and distresses, but
‘ the wisdom, zeal, and vigorous resolutions of
‘ this Parliament.

Gentlemen of the house of Commons,

‘ I have ordered the accounts to be made up,
‘ and laid before you, of the extraordinary charge
‘ that has been incurred this summer, for the de-
‘ fence and safety of the kingdom ; and I have
‘ been particularly careful, not to direct any ex-
‘ pence to be made greater, or sooner, than was
‘ of absolute necessity.

‘ I have likewise ordered estimates to be prepar-
‘ ed, and laid before you, for the service of the
‘ year ensuing ; and I hope the farther provisions,
‘ which the treasonable practices of our enemies
‘ have made necessary for our common safety,
‘ may be ordered with such frugality, as very lit-
‘ tle to exceed the supplies of the last year.

My Lords and Gentlemen,

‘ I need not tell you of what infinite concern it
‘ is to the peace and tranquillity of the kingdom,
‘ that this Parliament should, upon this occasion,
‘ exert themselves with a more than ordinary zeal
‘ and vigour. An intire union among all that
‘ sincerely wish well to the present establishment,
‘ is now become absolutely necessary. Our ene-
‘ mies have too long taken advantage from your
‘ differences and dissensions. Let it be known
‘ that the spirit of popery, which breathes nothing
‘ but confusion to the civil and religious rights
‘ of a protestant church and kingdom, however
‘ abandoned

‘ abandoned some few may be, in despite of all
 ‘ obligations divine and human, has not so far
 ‘ possessed my people, as to make them ripe for
 ‘ such a fatal change. Let the world see that the
 ‘ general disposition of the nation is no invitation to
 ‘ foreign powers to invade us, nor encouragement
 ‘ to domestic enemies to kindle a civil war in the
 ‘ bowels of the kingdom. Your own interest and
 ‘ welfare call upon you to defend yourselves. I shall
 ‘ wholly rely upon the divine protection, the sup-
 ‘ port of my Parliament, and the affections of my
 ‘ people, which I shall endeavour to preserve by
 ‘ steadily adhering to the constitution in church and
 ‘ state, and continuing to make the laws of the realm
 ‘ the rule and measure of all my actions.

Bill for sus-
 pending the
Habeas Cor-
pus act
 brought into
 the house of
 Lords.

As soon as the King was withdrawn, and the
 Commons retired to their house, his Grace the Duke
 of *Grafton*, Lord Lieutenant of *Ireland*, took notice
 of the horrid conspiracy lately formed and still car-
 rying on, against his Majesty's sacred person and
 government; shewed the necessity of strengthening
 the hands of his Majesty's ministers, in order to a
 full detection and intire suppression of those traitorous
 designs and practices; and thereupon, with the leave
 of the house, presented a bill for suspending the
 Habeas Corpus act, and *empowering his Majesty to*
secure and detain such persons as his Majesty shall sus-
pect are conspiring against his person and government
for the space of one year. At the first reading of
 the said bill, a motion was made for reading it a se-
 cond time immediately, which was strenuously op-
 posed, but after a long and warm debate, the ques-
 tion being put thereupon was carried by a majority
 of 67 voices against 24. The bill being, according-
 ly read a second time, and committed, the house ad-
 journed during pleasure, and being quickly after re-
 sumed, they went into a committee upon the said
 bill, his Grace the Duke of *Wharton* being in the
 chair.

Debates
 thereupon.

chair. The Committee, after some speeches went thro' the bill, and filled up the blank for the continuance of the suspension of the *Habeas Corpus* act with the words, until the 24th day of *October* 1723. The house being resumed, the Duke of *Wharton* reported the said bill, with the amendment made thereto, which occasioned another very warm and obstinate debate, but the question being put, *Whether to agree with the Committee in the said amendment*, it was resolved in the affirmative.

Dissentient.

1. **T**HE act commonly called the *Habeas Corpus* act is admitted, on all hands, to be the great bulwark of the liberty of the subject: And therefore, altho' in cases of actual rebellion, and intended invasion, that act has been at times before suspended, yet it was done sparingly, and by degrees; and the utmost term unto which it has hitherto been suspended at any time, has been the term of six months: Which consideration puts us under a very melancholy apprehension for the very being or effect of that excellent law, since the present suspension of it for a year or more, will be full as good an authority, in point of precedent, for the suspending it, on another occasion, for the term of two years, as any former precedent is now for the present suspension during one year, or more.

2. The detestable conspiracy, which occasions the present suspension, having been discovered and signified to the city of *London* about five months since, and divers persons imprisoned for it a considerable time past, we cannot but conceive it to be highly unreasonable to suppose, that the danger of this plot, in the hands of a faithful and diligent ministry, will continue for a year or more yet to come; and that in so high a degree, as to require a suspension of the liberty

liberty of the subject (for so we take it to be) during all that time.

3. His Majesty not having visited his dominions abroad these two last years, will very probably leave the kingdom the next spring to that end; in which time, this great power of suspecting and imprisoning the subjects at will, and detaining them in prison till the 24th of *October* 1723, and for as much longer time, as till they can, after that, take the benefit of the *Habeas Corpus* act (if they can then do it all) will be lodged in the hands of some our fellow-subjects, who we are not so sure will be above all prejudices and partialities, as we are that his Majesty will.

4. This weakens the provisions made for the Lords and members of the other house of Parliament, that they shall not be committed, or detained, sitting the Parliament, without the consent of the houses respectively, since it is very probable the Parliament will not be sitting the greatest part of the time for which this bill, if enacted, will continue a law: And such is the weakness of human nature, that we cannot be assured, but that the apprehension of what may befall any member of Parliament while the Parliament is not sitting, may have some influence on the freedom of acting in Parliament.

5. The Dictatorial power was always ended, or laid down immediately, when the urgent occasion for it was over; and it was never continued much longer, till a little before the great state, from which all others draw so many maxims of government, lost its liberties.

W. Ebor.

*W. Ebor.**Scarsdale,**Hay,**Craven,**Anglesey,**Bathurst,**Litchfield,**Osborn,**Aylesford,**Asburnham,**Trevor,**Masham,**Cowper,**Bingley,**Uxbridge,**Strafford,**Chester,**Gower.**Guilford,*

Then the bill was read a third time with the said amendments, and passed.

*Dissentient,**Scarsdale,**Litchfield,**Bathurst,**Cowper,**Gower,**Hay,**Osborn,**Uxbridge,**Asburnham,**Anglesey,**Guilford,**Craven,**Masham,**Bingley,**Strafford.**Lechmere,*

The principal opponents of the bill, were the Earls of *Anglesey*, *Cowper*, *Strafford*, and *Coningsby*, the Lords *Trevor*, *Bathurst*, and *Bingley*, who in general represented, ‘ That the *Habeas Corpus* act being, on all hands, admitted to be the greatest and strongest bulwark of *English* liberty, it did not consist with the wisdom of Parliament, to suspend it without an absolute necessity. That, indeed, in cases of actual rebellion, or intended invasion, that act had been, at times before, suspended; but yet this was done sparingly, by degrees, and never for above the term of six months. That this consideration put them under a very melancholy apprehension, for the very being or effect of that excellent law, since the suspension of it for a year, might be as good a precedent for the suspending it, on another occasion, for the term of two years, as any former precedent was now for the present suspension. That the horrid and detestable conspiracy, which occasioned this suspension, having been discovered and notified to the city of *London* about

‘ five

Reasons against the bill.

‘ five months before, and divers of the conspirators
‘ imprisoned for it a considerable time past, it was
‘ very unreasonable to suppose, that the danger of
‘ this plot, in the hands of an able, faithful, and di-
‘ ligent ministry, would continue for a year or more
‘ yet to come, and that in so high a degree as to re-
‘ quire a suspension of the liberty of the subject, for
‘ so they took the *Habeas Corpus-Act* to be. That,
‘ indeed, their just apprehensions would, in great
‘ measure be removed, if they could flatter themselves
‘ with the hopes, that his Majesty, on whose known
‘ equity, goodness, and clemency they intirely de-
‘ pended, would remain among us during the whole
‘ time of this suspension: But that his Majesty not
‘ having visited his dominions abroad these two last
‘ years, would very probably leave the kingdom the
‘ next spring to that end. That in his Majesty’s
‘ absence, this great power of suspecting and im-
‘ prisoning the subjects at will, and detaining them
‘ in prison till the 24th of *October* 1723, and for as
‘ much longer time as till they can after that, take
‘ the benefit of the *Habeas Corpus-Act*, (if they could
‘ then do it at all) would be lodged in the hands of
‘ our fellow subjects, who could not be supposed to
‘ be above all prejudices and partialities, as their
‘ Lordships were sure his Majesty was; and who,
‘ besides, might have private piques and resentments
‘ to gratify. That this bill did, in effect, vest the
‘ ministers with an authority almost as arbitrary and
‘ extensive as that of a *Roman Dictator*, since they
‘ might inflict even on innocent persons, (who should
‘ have the misfortune to displease them) a punish-
‘ ment of above a year’s imprisonment, which comes
‘ little short of death, and which oftentimes occasions
‘ it. That the *Dictatorian* power among the *Romans*,
‘ was always ended or laid down immediately, after
‘ the occasion for which it was given, was over;
‘ and it was remarkable, that it was never continued
‘ much longer, till a little before the *Roman* com-
monwealth,

' monwealth, from which all other states, draw so
 ' many maxims of government, lost its liberties.
 ' That so long a suspension of the *Habeas Corpus-*
 ' *Act*, weakens the provision made in the bill for the
 ' members of either house of Parliament, that *they*
 ' *shall not be committed or detained, sitting the Parlia-*
 ' *ment, untill the matter be first communicated and the*
 ' *consent obtained of the houses respectively*, since it is
 ' very probable, the Parliament will not be sitting
 ' the greatest part of the time, for which this bill was
 ' enacted, would continue a law; That such is the
 ' weakness of human nature that the apprehension of
 ' what might befall a member of Parliament while
 ' the Parliament is not sitting, might have some in-
 ' fluence on the freedom of Parliament. And upon
 ' the whole matter, since so long a *suspension* was
 ' liable to so many *inconveniencies*, they thought it
 ' advisable, and consistent with the usual prudence
 ' of that *august* assembly, to reduce it to the term
 ' of six months; at the end of which, if there ap-
 ' peared to be a necessity for it, it might be continued
 ' six months longer, as was done before in this very
 ' reign, during the late rebellion.

The Lords Viscounts *Harcourt* and *Townshend*,
 the Lord *Carteret*, the Dukes of *Argyle*, *Grafton*,
Wharton, and *Newcastle*, and some other Peers, re-
 moved the objections raised either against the bill it
 self, or the continuance of it for a whole year. The
 substance of their arguments was, a few days after,
 published as follows.

IN the present *uneasiness*, which is very natural to
Englishmen, upon every *suspension* of the *Habeas*
Corpus act; (and which is industriously and artfully
 heightened, upon occasion of the *act* just now passed
 to that purpose;) it is not enough to tell them, in
 general, that it is an *act* absolutely necessary to secure
them from ruin, and from the *total loss* of all other
acts, and of this *Habeas Corpus* act it self. But, it is
 necessary

Reasons for
 the bill.

necessary for us all, before we can or ought to be satisfied in so important a point, to enter carefully into the particular questions, which naturally arise upon this subject; and which must be sifted and debated, before any one who loves his country and his liberty, can acquiesce.

‘ 1. Whether it be fit, upon any occasion to suspend the ordinary operation of the *Habeas Corpus* act? 2. Whether there be any reason sufficient to make it fit to do it *now*? 3. Whether if it ought *now* to be done, it ought to be done for so long a time as a *year*?’ These take in every thing relating to the *point* in hand.

The *first* of these *questions* has been resolved constantly, without any hesitation, in the *affirmative*, by the *wisdom* of all *Parliaments*, ever since the making that *act*. Their behaviour, and the laws made by them, have ever shewed, that it was a determined case with them, that upon occasion of any *conspiracy* against the *state*, (the execution of which always depends upon the persons of the conspirators, and the liberty they enjoy to advise and to act) it was absolutely necessary to grant to the *executive power*, for a time, a *right* to apprehend and detain the *persons* of such as should be suspected to have a part in it. Otherwise, they always argued, there must soon be an end of our establishment, and all our liberties; and that without this, the *Habeas Corpus* act it self must be much worse than *mere dirty parchment*, or waste paper: for it must be it self the very instrument, and immediate occasion of that ruin, and loss of *liberty*, it was designed to prevent. Accordingly, *seven times*, since the *revolution*, has that *act* suffered *suspension*, as absolutely necessary to the preservation of the *act* it self, and all the privileges of it. *Seven times* have our *predecessors*, with one voice in *Parliament*, decreed such a *power* to the *crown*, for the preventing total ruin. And this, with the highest reason of *state*, allowed of and practiced upon, by all
states

states and kingdoms; and by none more, than where the greatest liberty has flourished, which has caused the greatest dread of losing it.

But there need not examples. The *reason* of the thing is plain. For what indeed avails it to have a *good constitution*, if there be not in that *constitution* somewhere lodged a *power* of preserving it self by *extraordinary methods*, upon extraordinary occasions? What imports it, to have a *roll of parchment*, called an *act* of *Parliament* for the *liberty* of the *subject*; if, at the call of imminent danger, which threatens the destruction of *this act*, and *all acts*, there be not a power lodged and exerted, to confine the *persons* of *some*, that the *persons* of *all* may not suffer by that *liberty*, which such *conspirators* enjoy, merely by virtue of this *act*? To what purpose will be afterwards to ask, why did not *they* who knew of these *conspirators*, and who were to guard against them, at least confine them where they could do no mischief? The *answer* must be, because they had no power by *law* to do it. The *question* then will be equally in vain, why did not *they* ask and demand it of *Parliament*? Why, because they had a veneration for the *Habeas Corpus act*, the darling and defence of the *people*. The next voice will then be this, Why do you tell us of our *darling* and our *defence*? Call it no longer by those names; it is our *poison* and *ruin*, if a regard to *that* has brought destruction upon us, and prevented the measures which alone could have saved us. We are now *dead*, for fear of *death*; and have *lost* this *act*, and all the effect of it, *for ever*, out of a superstitious dread of suffering *traytors* to lose the benefit of it for a *season*.

The second of the foregoing *questions* is answered under the *first*. It only depends upon this, Whether there be in *fact*, a design of introducing a *Popish prince*, at the hazard of all that is valuable to *Britons* and *Protestants*, now going on. Whoever doubts of this in his own soul, I am free to give him leave to

be intirely and for ever dissatisfied with every thing done to prevent it; because I am confident no one can doubt it, who has *eyes*, or *ears*, or common understanding. Whoever does *not* doubt it, can no more doubt of the *reasonableness* of following the usual method chalked out to us by all *preceding Parliaments*, and by all *free governments* in the world. After what the *King* has, with the utmost solemnity, laid before the *Parliament*, it had been, in my poor opinion, much more sincere and becoming, to have addressed him in humble manner, and begged of him to return in *peace* to his own *people* abroad, than to have delayed one hour to give him that testimony of their confidence, and those assurances of their zeal, which every *Parliament* since the *revolution* had, upon much less declarations, given to his *predecessors*. In what a condition indeed, had *his* and *our* affairs appeared to all abroad, if they had seen the *Parliament* of *Britain* it self cold and indifferent in such a *cause*, and denying their present *King* the *powers* necessary even for the preservation of his own *life* against *violence*, as well as of the whole constitution against ruin?

But the *third* question creates the difficulty, *why for so long a time, as a whole year?* Upon this, it is worth remembering, that there was no formal *contest*, as I am informed, in *Parliament*, about the doing the thing it self. It was by most allowed, or supposed, to be *right* and necessary: though, at every proper place, arguments were thrown in, which plainly enough shewed, that *there* lay the grief, *that it should be done at all*. However, to gain a greater number, that was given up. Some would consent to it for *three*, some for *four*, and some for *six months*. But they could not possibly (such was their love to their country!) consent to it for *twelve months*. When I heard this, I presently thought with my self, what?

Can

Can these persons trust *themselves*, and *us*, and all their *fellow-subjects*, in the hands of the *Ministers* for *six months*? And is it so terrible a thing to do it for *six months* more? If they can be safe and secure in this for the first *six months*, and the condition of affairs requires it, surely they may be safe for the last *six months*? If such *misery* and *calamity* be in the matter; such horror and dread, that the government by the *bow-string* is better; why is it consented to for *six months*; why for *four months*? Nay, why for *one*? But if *six months* can be reasonably allowed, let us try whether another *six months* may not be as reasonable. No. It is too much; it is too long to trust such a *power*. I grant it; *twelve months* is too long a time. So is *six months*. So is *four months*. So is *four days*. But if *twelve months* be necessary; if the occasion requires and demands such a time; it is just as *fitting*, as *twelve days*, or *twelve hours*. It is a pain and a grief to think of doing it at all. No *Englishman* can consent to it, but with *reluctance*. But to none can it be half so pungent, or half so uneasy, as to *those* who are to execute it, (if necessity calls them to it,) unless they are monsters, void of all concern, and hardened into *stone*.

If this were the *spring time* of the year, there is no one I believe, who would have asked, and no one who would have consented to give, more than *six months*, because that space of time would take in all the *summer*, and reach down towards the meeting of the *Parliament* again: And the *summer* being the time always of the greatest danger, *that* would be provided for; and the *session* would come on time enough to make farther provision, if necessary. This is the *case* at present. There is a certainty of a more resolute design, (with several persons of note actually embarked in it,) than perhaps has ever yet been known. There must be a provision *at present*, because the
S 2 design

design is *at present* working, far from being at an end. Put the case now, that this new law were to take effect but for *four* or *six months*, and that at the end of that term the *Ministers* were to represent the necessity of prolonging it, (as was proposed by *some*,) if any such necessity should then appear. Not to mention the difficulties, and cavils, objections and outcries, which would then be raised afresh; are we such strangers to the cunning and dexterity of such *conspirators*, as to doubt that all care would be taken to hush every thing into peace and quiet; that every *mouth* would be taught not to open too loud; much more every *band* not to stir, during that *four* or *six months*; and that there might be such a *discipline* and *management* exercised, that, if it were fit to keep, or to call the *Parliament* together, the *Ministers* should not have it in their *power* to demonstrate clearly that there was any such mark of disturbance stirring, or any such treasons still *visible*, as would be sufficient to urge the continuance of this *act*. But as soon as that term expired, and the time for *action* came, what would they do, or what would they not do, when it would be safe for them to exert themselves again, and they could have the *benefit* of this *habeas corpus act* to elude any confinement?

But, it is said, *precedents* are against you. This *suspension* never yet was made for so *long* a time. It may be so; though *one* was continued to *nine months*, pretty near this. But *precedents* are on the side of this material part of the provision, that the *season* in which the *Parliament* was not sitting, was always the *season* taken care of. In this, *precedents* lead us. And the reason is, because the execution of such designs is generally in that *season*. No one ever pretended that a *suspension* for *six* or *nine* months was a *precedent* for a *suspension* for *twelve* months: nor therefore can the

the present *suspension* for *one year*, ever be a *precedent* for a *suspension* hereafter for *two years*; as some would seem to fear, though there be an *absurdity* in the very supposition. But the care in *former suspensions*, to guard against danger in *that* part of the year when the *Parliament* would *not* be sitting, was justly affirmed to be a *precedent* for the same care in the *present suspension*; which could not have been shewn, without extending the *term* through the *summer*. Accordingly, it is impossible that extending the *present act* to the *summer* can be a *precedent* any farther, than for taking care of the *interval* between *session* and *session*.

Seven times has this act, in the same form, passed, but never with more certain and undoubted necessity, than at present. It always guarded against the *danger* of the *summer*: and *this* cannot do the *same*, without remaining in force for a *year*. If it be a melancholy thing to think of such a *suspension*, whom must *Englishmen* thank for such an *evil*, but those who by their *repeated designs* make it absolutely necessary? Whom must they curse, if such designs had prevailed for want of a *suspension*, but an *administration* that would not contend for it? It *may be* abused, without doubt; there is a *possibility* of *that*. But there is a *probability* it *will not*, because it never has made matter for so much as *one* complaint, under the *seven* foregoing trials; and for a stronger reason, because it is evidently *personal destruction* to those *Ministers*, who attempt to *abuse* it. But the *possibility* of such *abuse* is no argument against the necessity of extraordinary methods; and is greatly outweighed by the *certainty* or *high probability* of *confusion* first, and *ruin* afterwards, without it. Nor can I compare this *dread* of preventing a present ruin by a *method*, which has in it the bare possibility of being *abused*, to any thing better,

than to the temper of a man, who, hearing the *main beam* of his house crack, and seeing it all yielding and tumbling upon his head, resolves not to escape out of it too rashly, because it is *barely possible* that a *tile* may fall from the top of the house upon his head. *Something* must be *hazarded* to save *all*; and when the *whole* is in danger, a *part* must not have all our care. A *power* to *save* is always in some degree a *power* to *hurt*. A *power* to do *good* always carries with it a *power* (though not a *right*) to do *evil*. But *power* must be trusted somewhere upon such occasions: and they trust it most reasonably, who trust it for a season of necessity only, where *self-interest* and *self preservation* forbid the abuse of it. I say, *self preservation*. For it is at their own peril, that the *Ministers* act under such a *law*: and they must know assuredly, that if there be the least *abuse* of the *power* given them, through *malice* or *wantonness*, at *their* hands it will be required; and at the end of the *term* allowed, the *men* themselves, who vested this power in them, will meet together with as great an indignation against *them*, and *resolution* to destroy *them*, as they now have shewn with regard to the *conspirators*. There is a *day* of *reckoning*. This is security enough, even in the opinion of those who can think a *Ministry* vile enough without it, to be wicked merely for wickedness sake. And the *security* is the same, as well in the *absence* of his *Majesty* (which some have been pleased unnecessarily to suppose, to heighten their *argument*) as in his *presence*. For as a *King* of *Great Britain*, though *present*, is never supposed to act, but by his *Ministers*, and *they* are accountable for *all* that is done; so, in his *absence*, if there can be a difference, they are *much more*, but without doubt, *equally*, accountable; no other *character* that can be given them, altering at all their *ministerial* office, or rendering them at all the less free

free from the apprehension and awe of a *parliamentary* inquiry.

But why so much *zeal* against this *length* of time, when it cannot shew it self without gross self-contradiction? They who make this *objection* from a supposed *absence*, themselves profess a readiness to continue this act into the *summer*, if necessary; which is liable to the *same* objection. And they who think this *act* so secure from abuse, while a *Parliament* is sitting to keep *power* in awe, cannot but know that the *Parliament* must meet again at the end of this term; and that there is in truth as effectual and as beneficial an *awe*, from the certainty that it *must* meet *then*, as from the *seeing* it met *now*.

On *Friday*, the 12th day of *October*, the house of Lords presented the following address to his Majesty.

Most gracious Sovereign,

‘ **W** E your Majesty’s most dutiful and loyal subjects, the Lords spiritual and temporal in Parliament assembled, humbly return your Majesty the thanks of this house for your Majesty’s most gracious speech from the throne, and for communicating to your Parliament the dangerous designs formed, and still carrying on, against your Majesty’s most sacred person and government, in favour of a popish pretender.

Address of
the Lords
to the King.

‘ We cannot sufficiently express our detestation and abhorrence thereof, or our just indignation against all such as have, by any means whatsoever, traiterously endeavoured to alienate the affections of your Majesty’s good subjects, or, by maliciously fomenting any of their late discontents, however occasioned, to raise them to a spirit of rebellion.

‘ We think our selves in duty bound, on this
‘ occasion, to declare our very great satisfaction
‘ in the wise measures taken by your Majesty,
‘ which, by the blessing of God, hath hitherto
‘ disappointed the treasonable projects of all your
‘ enemies, and happily preserved the peace and
‘ tranquility of the kingdom.

‘ Could the enemies of our peace have procur-
‘ ed a foreign force to invade us, and, by such
‘ assistance, a rebellion to have been raised in the
‘ heart of your kingdom, though we assure our
‘ selves so desperate an attempt must have ended
‘ in their own destruction, it is not yet to be
‘ doubted, but that the city of *London*, whose
‘ wealth and influence have been so constantly
‘ employed in opposing popery and arbitrary
‘ power, would have felt the utmost efforts of
‘ their fury, and the kingdom been made a scene
‘ of bloodshed and confusion.

‘ Such of your Majesty’s good subjects, as may
‘ have been unwarily misled at so critical a junc-
‘ ture, must now plainly discern the difference be-
‘ tween those great calamities, from which, by
‘ the blessing of God, they have been hitherto
‘ preserved, and the imaginary dangers with which
‘ they have been industriously amused.

‘ We cannot but acknowledge with most grate-
‘ ful hearts, the inestimable blessings we have
‘ enjoyed under your Majesty’s government dur-
‘ ing the whole course of your reign; and return
‘ your Majesty our most unfeigned thanks for
‘ your Majesty’s most gracious declaration, on
‘ which we intirely depend, that your Majesty
‘ will steadily adhere to our constitution in church
‘ and state, and continue to make the laws of
‘ the realm the rule and measure of all your ac-
‘ tions. And we humbly beg leave to assure your
‘ Majesty of our most unshaken fidelity; and
‘ that we will, to the utmost of our power, on all
‘ occa-

‘ occasions, stand by and assist your Majesty, a-
 ‘ gainst all your enemies whatsoever, both at
 ‘ home and abroad, in maintenance of your Ma-
 ‘ jesty’s undoubted right and title to the imperial
 ‘ crown of this realm.

His MAJESTY’s most gracious ANSWER.

My Lords,

I thank you for this loyal and dutiful address. So The King’s answer.
seasonable a mark of your zeal and affection will
be of the greatest service at this critical juncture,
and lay me under the strictest obligation to use the
confidence you repose in me to no other ends, than the
preservation of the public tranquillity, and of the
rights and liberties of my people.

The Speaker of the Commons, and the other Proceedings of the Com-
mons.
 members, having spent the sittings of the 11th,
 12 and 13th of October in qualifying themselves,
 by taking the oaths, and making and subscribing
 the declaration and oaths of abjuration, according
 to the laws made for those purposes, the house be-
 gan, on Monday the 15th, to enter upon business;
 appointed and ordered the sitting of the grand
 Committees for religion, grievances, courts of
 justice, trade, and privileges and elections; and
 made the usual standing orders and regulations.
 It is to be observed, that when they came to the
 Committee of privileges and elections, Mr. Hut-
 cheson moved, that it should consist of 36, or such Motion
made by
Mr. Hutche-
son about a
select Com-
mittee of e-
lections,
dropt.
 other number of *select members* as the house should
 think fit, who should be empowered to hear, try,
 and determine the merits of elections; and that no
 other members, but such as were chosen by the
 house, might have votes in the said Committee.
 He was seconded by Mr. Winnington Jefferys,
 who, in a long and learned speech, shewed that
 this had been the constant usage and practice both
 before

before and after Queen *Elizabeth's* time, and that it had never been otherwise, till the long Parliament in 1641, when all things were in confusion; but nevertheless Mr. *Hutcheson's* motion was dropt.

Debate about an address of thanks, &c.

Mr. Speaker having afterwards reported the King's speech to both houses, *William Pulteney*, Esq; stood up, and in a long and eloquent speech, made a lively representation of the 'dismal consequence of the horrid plot, if it had pleased the divine providence that it had not been timely discovered; and moved for an address of thanks, on the several heads of his Majesty's speech, particularly to congratulate his Majesty on the timely discovery of the dangerous and unnatural conspiracy against his Majesty's person and government; to express the just detestation and abhorrence his faithful Commons had of all such traiterous practices; and their indignation and resentment against the authors and contrivers of them, &c.' This was seconded by Mr. *Doddington Bubb*, and by the general assent of the house; only Mr. *Skippen* moved, that to the paragraph, 'assuring his Majesty that his faithful Commons would enable him effectually to suppress all remaining spirit of rebellion,' these words might be added, *with due regard to the liberty of the subject, the constitution in church and state, and the laws now in force.* He was seconded by Sir *William Wyndham*; but Mr. *Pulteney* replied, 'That such a clause would be injurious to the King, since it would look like making a condition or bargain with his Majesty, and tacitly imply, either that the laws had already been infringed, or that the Commons were jealous lest his Majesty should, for the future break in upon the constitution: Therefore instead of the said clause he proposed, that at the latter end of the address, they should return his Majesty their
' thanks

‘ thanks for his most gracious declaration, that
 ‘ he would preserve the constitution in church and
 ‘ state, and continue to make the laws of the
 ‘ realm, the rule and measure of all his actions.’
 This was seconded by Mr. *Xonge*; and then the
 question being put, which of the two clauses should
 be made part of the address, it was carried for
 Mr. *Pulteney*’s clause, without any division. Af-
 ter this a Committee was appointed to draw up
 the said address; which being, the next day re-
 ported and agreed to, was, on *Wednesday* the 17th,
 presented to his Majesty by the whole house, as
 follows, *viz.*

Most gracious Sovereign,

‘ **W**E your Majesty’s most dutiful and loyal
 ‘ subjects, the Commons of *Great-Britain*
 ‘ in Parliament assembled, beg leave to return our
 ‘ humble thanks to your Majesty for your most
 ‘ gracious speech from the throne.

Address of
 the Com-
 mons to the
 King.

‘ It is with hearts full of joy we approach your
 ‘ sacred person to congratulate your Majesty, that,
 ‘ by the blessing of God, the designs of your ene-
 ‘ mies have hitherto been happily frustrated and
 ‘ disappointed.

‘ We cannot sufficiently acknowledge your Ma-
 ‘ jesty’s care and vigilance, and the wise and pru-
 ‘ dent measures you have taken for our safety, in
 ‘ ordering the encampment of the troops, and
 ‘ sending for such others from *Ireland* as were
 ‘ thought further necessary for the peace and quiet
 ‘ of this kingdom. And it is the greatest satis-
 ‘ faction to us, to see the readiness of your Ma-
 ‘ jesty’s good friends and allies, the *States-General*,
 ‘ to assist you with a good body of forces, if there
 ‘ had been occasion.

But among all the steps taken for the safety of
 ‘ your Majesty and the kingdom, none can pos-
 ‘ sibly equal that of the speedy calling your loyal
 ‘ Com-

‘ Commons together in Parliament, who are met,
‘ determined with the utmost unanimity and zeal,
‘ to do every thing in their power for the prefer-
‘ vation of your Majesty’s most sacred person :
‘ Nor can less be expected from the gratitude and
‘ affection of a free people, sensible that, through
‘ the whole course of your reign, no innovation
‘ has been attempted in our holy religion, nor the
‘ least incroachment made upon the liberty or
‘ property of any of your subjects, and that the
‘ full enjoyment of all that is dear and valuable to
‘ them is intirely owing to your Majesty’s go-
‘ vernment.

‘ Though the enemies to our happy establish-
‘ ment should have malice and boldness enough,
‘ still to be carrying on their traiterous designs,
‘ yet we are persuaded that all uneasiness and ap-
‘ prehensions will vanish, when your faithful Com-
‘ mons assure your Majesty, that they will enable
‘ you effectually to suppress all remaining spirit of
‘ rebellion.

‘ If neither the sacred obligation of the most
‘ solemn oaths, nor the certain misery they must
‘ bring upon their country, who would attempt
‘ to overturn this government, can deter them
‘ from such desperate undertakings : If there be
‘ any of your Majesty’s subjects, who are so aban-
‘ doned, as to be ready to exchange the protestant
‘ religion for popery, and liberty for slavery, yet
‘ we hope the vigorous resolutions of a loyal and
‘ dutiful Parliament will convince them of the
‘ danger, as well as folly, of such an attempt ;
‘ and shew the whole world, that the generality
‘ and best part of your people are so far from
‘ giving any invitation to foreign powers to in-
‘ vade us, that they will, with their lives and for-
‘ tunes, support your Majesty against all your ene-
‘ mies at home and abroad.

‘ We

‘ We cannot therefore exprefs too great an ab-
‘ horrence of fuch unnatural practices, nor too
‘ great an indignation againft thofe who would
‘ have made the capital of this flourishing king-
‘ dom a fcene of blood and defolation. Wicked
‘ men! While they have the malice to revile your
‘ government, and attempt to overturn it, at the
‘ fame time have the infolence to depend upon the
‘ clemency of it for their fecurity: While they
‘ are endeavouring to deftroy all liberty, they are
‘ clamouring that a few of them are, for the pu-
‘ blic fafety, confined: While they are attempt-
‘ ing to deftroy all propety, they are murmuring
‘ at the neceffary taxes given to your Majesty for
‘ the fecurity of it: And while they act againft
‘ all law themfelves, they truft, and are confident,
‘ that even in their own cafes the laws of the realm
‘ will be the rule and meafure of your actions,

‘ We beg leave to acknowledge, with great gra-
‘ titude, your Majesty’s goodnefs, in affuring us,
‘ that notwithstanding the traiterous practices of
‘ your enemies have made the increafe of the an-
‘ nual expence neceffary, yet care will be taken,
‘ that the fupplies to be afked for the year enfuing,
‘ fhall very little exceed what was given for the
‘ fervice of the laft.

‘ And we affure your Majesty, that we will not
‘ only make good the extraordinary expences that
‘ have been already incurred, but will, with all
‘ chearfulnefs, grant whatever fhall be neceffary
‘ for the fafety of the kingdom; being intirely
‘ convinced that we can by no other means reftore
‘ public credit, and enable ourfelves to attempt
‘ the gradual reduction of the great national debt
‘ (with a ftrict regard to parliamentary faith) than
‘ by doing every thing in our power for the fup-
‘ port of your Majesty’s government, and our
‘ happy eftablifhment in your royal family.

‘ And

‘ And we do with all humility return your Majesty our unfeigned thanks for your most gracious declaration, on which we intirely rely, that your Majesty will steadily adhere to our constitution in church and state, and continue to make the laws of the Realm the rule and measure of your actions.’

To this address the King returned this gracious answer.

Gentlemen,

The King's
answer.

I Return you my hearty thanks for this very dutiful and loyal address. The seasonable declarations of your zeal and affection to my person and government, will, I doubt not, contribute very much to the tranquillity and safety of the kingdom; and as I shall always look upon my own, and the interest of my people, to be inseperable, you may be assured I shall make no use of any power or confidence that my faithful Commons shall place in me, but in support of the constitution, and in maintenance of the rights and liberties of my people.

On Monday, the 15th, after the Commons had agreed to Mr. Pulteney's motions for the address, several orders were made for warrants to be issued out for the electing new members; and then Mr. Justice Tracy, and Mr. Baron Price brought down from the Lords to the Commons, the bill, intituled, *An act to empower his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his person and government*; which, upon Mr. Walpole's motion, was immediately read the first time, and order to be read a second time, the next morning.

Debate about
the suspension
of the
Habeas Cor-
pus act in
the house of
Commons.

Accordingly, on Tuesday the 16th, the said bill was read a second time, and a motion being made, and the question put thereupon, that it be committed

ted

ted to a Committee of the whole house, the same was opposed by Mr. *Cæsar*, who, in a long speech, represented the dangerous consequences of a suspension of the *Habeas Corpus act*, to the rights and liberties of *English* men. He was seconded by Mr. *Hungerford*; but Mr. *Bromley* said thereupon, ‘ That the chief objection against this bill being in point of time, and whether the *suspension* was to continue six or twelve months; it was more proper to debate it in a Committee than in a house, and therefore he was for committing it:’ Which, after some small opposition, was carried without dividing. The house being immediately resolved into that Committee, and the right honourable the Earl of *Hertford* placed in the chair, Mr. *Spencer Cowper* stood up, and opened the debate, suggesting among other things, ‘ That he, and all his family, had come as early and as readily into the revolution, and on all occasions, had appeared as zealous for the present happy settlement, as any one: But yet he could not be of opinion to trust the liberties of the people in the hands of any ministry, for so long a time as above a year. That neither in King *William’s* nor Queen *Anne’s* reigns, nor since his present Majesty’s accession to the Throne, even in times of open and actual rebellion, the *Habeas Corpus act*, had ever been suspended for above six months; and therefore he moved, that the present *suspension* might be limited to that term.’ He was seconded and backed by Mr. *Smith*, and Sir *Joseph Jekyll* Master of the rolls, who added, ‘ That if at the end of those six months there appeared to be a necessity for a farther suspension, he should, and he doubted not but the whole house would readily come into it.’ They were answered by the Attorney General, who to shew the necessity of the suspension for a whole year said among other things, ‘ That the present conspiracy
‘ being

‘ being laid deep, spreading far and wide, and consisting of several branches, it required a great deal of time to unravel, and make a full discovery of it.’ Mr. *Worsley* having answered him, he was replied to by Sir *Wilfred Lawson*, in a long and warm speech ; after which the debate was continued between Mr. *Hungerford*, Mr. *Winnington Jeffreys*, Mr. *Hutcheson* and Mr. *Sloper*, who stickled for Mr. *Cowper*’s motion, and Mr. *Pulteney*, Mr. *Yonge*, and Mr. *Pelham*, who were for agreeing to the bill without amendments. At last, *Rob. Walpole*, Esq; laid before the assembly some particulars of the detestable and dangerous conspiracy, which for sometime past had been, and was still carrying on, for the utter subversion of the present happy settlement. He said, among other things, ‘ That this wicked design was formed about *Christmas* last ; that the conspirators had at first, made application to some Potentates abroad, for an assistance of 5000 men ; that being denied, they afterwards (about the month of *April*) made farther application and earnest instances for 3 thousand men ; that being again disappointed in their expectations from foreign assistance, they resolved desperately to go on, confiding in their own strength, and fondly depending on the disaffection in *England* ; and that their first attempt was to have been the seizing of the bank, the *Exchequer*, and such other places where the public money was lodged. That the government had undoubted informations of this plot ever since *May* last ; but nevertheless thought fit not to take up any body, because there being then two terms coming on together, the conspirators would have had the benefit of the *Habeas Corpus act*, and so the apprehending them was put off till the long vacation. He added, that the traiterous designs against his Majesty’s person and government, had been carrying on ever since the death of the late *Queen* ; and that they
‘ could

‘ could prove that there had been a meeting of some
 ‘ considerable persons, one of whom was not far
 ‘ off, wherein it had been proposed to proclaim the
 ‘ Pretender at the royal *Exchange*. That an exact
 ‘ account of this detestable conspiracy would, in due
 ‘ time, be laid before the Parliament: And as to the
 ‘ business now before them, tho’ it was true, that
 ‘ the *Habeas Corpus act* had never before been sus-
 ‘ pended for above six months, yet considering the
 ‘ Lords had made this suspension for a whole year,
 ‘ if the Commons should go about to alter it, the
 ‘ same might occasion a difference between the two
 ‘ houses, which at this time of jealousy and danger,
 ‘ might sound ill in foreign courts.’ After this
 speech, about seven o’clock in the evening, the
 question being put, that the bill do pass, as it was
 sent down from the Lords; it was carried in the af-
 firmative by a majority of 246 voices against 193.
 Then the Speaker resumed the chair, and the Earl
 of *Hertford* having immediately reported the said
 bill to the house, without any amendment, the said
 bill was read the third time and passed, without di-
 viding.

On the 17th of *October*, the King came to the house of Peers with the usual solemnity, and the Commons being sent for up, and attending, his Majesty gave the royal assent to the said bill, an *abstract* of which, is as follows:

The bill for
 suspending
 the *Habeas*
Corpus act.

*Abstract of an Act to empower his Majesty to
 secure and detain such persons as his Majesty
 shall suspect are conspiring against his person
 and government.*

‘ **W** Hereas there has been a traiterous and de-
 ‘ testable conspiracy formed and contrived,
 ‘ and is still carrying on by Papists, and other wick-

‘ ed persons, for invading this realm, and to raise
‘ insurrections and rebellions within this kingdom,
‘ to the utter ruin and subversion of the Protestant
‘ religion, and the laws and liberties of this king-
‘ dom : For the better preservation of his Majesty’s
‘ sacred person, and for securing the peace of this
‘ kingdom, in this time of imminent danger, against
‘ all attempts and conspiracies whatsoever ; be it
‘ enacted, That every person or persons, that are or
‘ shall be in prison within the kingdom of Great
‘ Britain, upon the tenth day of *October*, one thou-
‘ sand seven hundred twenty two, or after, by war-
‘ rant of his said Majesty’s most honourable Privy-
‘ council, signed by six of the said Privy-council,
‘ for high treason, suspicion of high treason, or trea-
‘ sonable practices, or by warrant signed by any of
‘ his Majesty’s secretaries of state, for such causes,
‘ as aforesaid, may be detained in custody with-
‘ out bail, until the twenty fourth day of *October*,
‘ one thousand seven hundred and twenty three ; and
‘ that no Judge or Justice of the Peace shall bail
‘ or try any such person, without order from his said
‘ Majesty’s Privy-council, signed by six of the said
‘ Privy-council, till the said twenty fourth day of
‘ *October*, one thousand seven hundred twenty three.

‘ That the act made in *Scotland*, in the year of
‘ our Lord, one thousand seven hundred and one,
‘ intitled, *An act for preventing wrongous imprison-*
‘ *ment, and against undue delays in tryals*, in so far
‘ as the same may be construed to relate to cases of
‘ treason, and suspicion of treason, be suspended un-
‘ til the said twenty fourth day of *October*, one thou-
‘ sand seven hundred and twenty three ; and that
‘ until the said day, no Judge, Justice of Peace,
‘ or other officer of the law in *Scotland*, shall liberate,
‘ try, or admit to bail, any person that is, or shall be in
‘ prison within *Scotland*, for such causes, as aforesaid,
‘ without

‘ without order from his said Majesty’s Privy-council, signed by six of the said Privy-council.

‘ Provided, that from and after the said twenty fourth day of *October*, one thousand seven hundred and twenty three, the persons so committed, shall have the benefit of all laws providing for the liberty of the subjects of this realm; and that this act shall continue until the said twenty fourth day of *October*, one thousand seven hundred and twenty three, and no longer.

‘ Provided, that nothing in this act shall extend to invalidate the ancient privileges of Parliament, or to the imprisonment, of any member of either house of Parliament, during the sitting of such Parliament, until the matter be first communicated to the house, and the consent of the said house obtained.’

As soon as the King was withdrawn, the Lord *Carteret* acquainted the house of Peers, ‘ That the Bishop of *Rockester*, the Lord *North and Grey*, and the Earl of *Orrery*, who were committed to the Tower for high treason, having entered into a dangerous conspiracy against his Majesty’s person and government, his Majesty desired the consent of the house to detain the said Lords prisoners in the Tower, by virtue of an act abovementioned:’ to which the house readily consented.

On the 26th of *October*, the Lord Viscount *Townshend*, one of his Majesty’s principal Secretaries of state, signified to the house of Peers, ‘ That his Majesty had caused the person of *Thomas Duke of Norfolk*, to be seized, having just cause to suspect that he was engaged in the conspiracy now carrying on, and his Majesty did therefore desire the consent of the house, to his being committed to the Tower, and detained on suspicion of *high treason*, according to the act lately passed, for suspending

Debate about the King’s message to the house of Peers relating to the Duke of Norfolk.

Several Lords
protest a-
gainst his be-
ing commit-
ted and de-
tained.

‘ the *Habeas Corpus act.*’ A motion being thereupon made, *to consent that the said Duke be committed and detained accordingly*; the same was strenuously opposed by the Earls of *Aylesford, Cowper, Anglesey, Strafford, Coningsby, and Uxbridge*, the Lords *Bathurst, Lechmere*, and some others; but they were answered by the Lords Viscounts *Harcourt and Townshend*, the Duke of *Newcastle*, the Lord *Cartaret*, and some others; and after a very long and warm debate, the question being put upon the said motion, it was carried in the affirmative by a majority of sixty voices against twenty eight. Hereupon nineteen Peers signed and entered a *Protest* against the said resolution, for the reasons following:

1st. **B**Ecause they apprehended it to be one of the ancient undoubted rights and privileges of this house, that no member of the house be imprisoned or detained, during the sitting of Parliament, on suspicion of *high treason*, until the cause and grounds of such suspicion be communicated to the house, and the consent of the house thereupon had, to such imprisonment or detainer; which ancient right or privilege is recognized and declared in plain, express, and full terms in the act passed this session of Parliament, to which the message from his Majesty refers.

2^{dly}, Because it appeared clear to them, not only from former precedents, even when no such law was in being as that abovementioned, but also from the very necessary construction of the proviso therein, concerning the privileges of Parliament, that the house is intitled to have the matter of the suspicion communicated to them, in such manner as is consistent with the dignity of the house, and will enable them to deliberate, and found a right judgment thereupon, for, or against the imprisonment, or detainer, of the person concerned: But to maintain that, while that law shall be in force, it shall be sufficient

sufficient in order to obtain the consent of the house, to communicate a general suspicion, that a member of the house is concerned in a traiterous conspiracy, without disclosing any matter or circumstance to warrant such suspicion, was in their opinions, an unjustifiable construction of the said proviso, and such as wholly deprives the house, of the liberty of giving their free and impartial advice to the Throne on this occasion; and such a construction being made upon a law so plainly intended by the wisdom of this Parliament, to assert the privileges of both houses, appeared to them to pervert the plain words and meaning of it, in such a manner as renders it wholly destructive to those very privileges intended to be preserved.

3dly, Because his Majesty having in effect required the judgment and advice of the house, touching the imprisonment and detainer of the Duke of *Norfolk*, they ought not, as they conceived, either in duty to his Majesty, or in justice to the Peer concerned, to found their opinions concerning the same on any grounds, other than such only as his Majesty had been pleased to communicate in his message: And his Majesty, by his message, having communicated only a general suspicion, they thought they could not without the highest injustice to the Duke, and the most palpable violation of one of the most valuable privileges belonging to every member of this house, give their consent to his imprisonment, or detainer, and thereby make themselves parties to, and in some degree the Authors of such imprisonment, until they had a more particular satisfaction, touching the matters of which he stands suspected; more especially considering the long and unprecedented duration of the act abovementioned, whereby the benefit not only of the act commonly called the *Habeas Corpus act*, but of *Magna Charta* itself, and other valuable laws of liberty, are taken from the subjects of this realm, and extraordinary powers

are given to the persons therein mentioned, over the liberties of the people, for a twelvemonth and upwards.

4^{thly}, Because they thought it inconsistent as well with the honour and dignity as with the justice of this house, in the case of the meanest subjects, to come to resolutions for depriving them of their liberty, upon other than clear satisfactory grounds; but as the members of both houses of Parliament, are by the laws and constitution of this kingdom invested with peculiar rights and privileges, of which the privilege before mentioned is a most essential one, as well for the support of the crown it self, as for the good and safety of the whole kingdom, they could not, as they conceived, without betraying those great trusts which are reposed in them as Peers of this realm, agree to a resolution which tends to subject every member of this house, even sitting the Parliament, to unwarrantable and arbitrary imprisonments; and they had the greater reason to be jealous of the infringement of this privilege, on this occasion, because it had been easy, as they thought, for those who had the honour to advise the framing the said message, to have communicated to this house the matter of which the Duke of *Norfolk* stood suspected, in such a manner as might be consistent with the privileges of this house, and at the same time to have avoided any danger or inconvenience to the crown, with regard to the future prosecution of the said Duke, (if any such should be)

5^{thly}, Because it is the known usage and law of Parliaments, that this house will not permit any Peer to be sequestred from Parliament on a general impeachment of the Commons, even for *high treason*, till the matter of the charge be specified in articles exhibited to this house, which explained to them the nature

nature of the privilege intended to be secured by the *proviso*, and is the highest instance of the care of this house to preserve it from being violated on any pretence whatsoever; but, in their opinions, it must create the greatest inconsistency and repugnancy in the proceedings of the house, to consent that a Peer of the realm should be imprisoned or detained, sitting the Parliament, on suspicion of high treason only, not warranted, for ought appeared to them, by any information given against him upon oath or otherwise, and no particular circumstance of such suspicion being communicated to the house.

6thly, Because a resolution so ill grounded as this appeared to them, might produce very ill effects in the present unhappy conjuncture of affairs, by creating fresh jealousies in the minds of his Majesty's subjects, who could not fail of entertaining certain hopes of the safety of his Majesty's person and government, against all his Majesty's enemies, from the advice and assistance of both houses of Parliament, while they continued in the full enjoyment and free exercise of their ancient, and legal rights and privileges; but, on the other hand, might be alarmed with new fears for the honour and safety of his Majesty and his government, by a resolution taken by this house for the imprisonment of a Peer of the realm, in such manner, as, in their opinion, was highly injurious to his person, and also to the privileges of every other Peer of this realm, and which might prove of fatal consequence to the constitution of both houses of Parliament.'

Anglesey,
W. Ebor.
Fr. Cestrien.
Scarsdale,
Bristol,
Uxbridge,
Oxford,

Strafford,
Cowper,
Trevor,
Lechmere,
Ashburnham,
Guilford,

Bathurst,
Bingley,
Foley,
Compton,
Osburn,
Hay.

On *Friday* 16th of *November*, the Lord Viscount *Townshend*, delivered to the house of Peers the following message signed by his Majesty, *viz.*

GEORGE R.

The King's
message to
the house of
Peers, about
the *Preten-*
der's decla-
ration.

HIS Majesty having been informed, That many scandalous declarations in print have been, by several foreign posts, transmitted into this kingdom, in order to be dispersed among his good and faithful subjects, to poyson their minds and seduce them from their allegiance; several of those declarations have, by his Majesty's order, even since his Majesty received from both houses of Parliament the last most solemn and acceptable assurances of their fidelity, been intercepted; and among them an original in writing, signed, as his Majesty has good reason to believe, by the Pretender himself. This, together with one of the printed copies, his Majesty has ordered to be laid before you, as a matter not unworthy of your consideration.

After the reading of this message, and of the declaration therein mentioned, the Earl of *Scarborough* moved, that the house would come to some vigorous resolutions, to shew their just resentment of the high indignity offered, in the said declaration, to his Majesty, and the whole *British* nation; and being seconded by the Lord *Harcourt*, a committee was appointed to draw up the said resolutions, which were immediately reported and agreed to as follows, *viz.*

RESolved by the Lords spiritual and temporal, [and Commons,] in Parliament assembled, That the paper this day communicated by his Majesty, Intituled, *Declaration of James the Third, King of England, Scotland, and Ireland, to all his loving subjects of the three nations, and to all foreign princes and states, to serve as a foundation for a last-*
ing

‘ *ing peace in Europe, and signed James Rex, is a*
‘ *false, insolent, and traiterous libel, The highest*
‘ *indignity to his most sacred Majesty King George,*
‘ *our lawful and undoubted sovereign, full of arro-*
‘ *gance and presumption, in supposing the Preten-*
‘ *der in a condition to offer terms to his Majesty;*
‘ *and injurious to the honour of the British nation,*
‘ *in imagining that a free Protestant people, happy*
‘ *under the government of the best of princes, can*
‘ *be so infatuated, as, without the utmost contempt*
‘ *and indignation, to hear of any terms from a*
‘ *Popish bigotted Pretender.*

‘ Resolved, by the Lords spiritual and temporal,
‘ [and Commons,] in Parliament assembled, That
‘ the printed copy of the Pretender’s declaration,
‘ mentioned in his Majesty’s message, be burnt by
‘ the hands of the common hangman, at the *Royal*
‘ *Exchange in London*, upon *Tuesday* next at one of the
‘ clock; and that the Sheriffs of *London*, do [then at-
‘ tend in their own proper persons, and] cause the
‘ same to be burnt there accordingly.’

This done the Lords sent a message to desire a conference with the Commons, which being readily agreed to, the Lord President one of the managers for the Lords, acquainted the managers for the Commons, (who were Mr. Chancellor of the *Exchequer*, Mr. *Edgecombe*, Mr. Comptroller, Mr. *Pelham*, Mr. *Hutcheson*, Mr. *Yonge*, Mr. *Bromley*, and Colonel *Bladen*) That the Lords being desirous always to keep up a good correspondence with the Commons, they had thought proper to communicate to them the message their Lordships had received from his Majesty, together with the declaration therein mentioned, as also their Lordships resolutions upon this extraordinary occasion, upon which they desired the concurrence of the Commons. The managers for the Commons being returned to their house

house, Mr. *Pelham* reported the conference, and that it was to communicate to this house a message sent to the Lords by his Majesty, under his sign manual, concerning an original declaration in writing, signed by the Pretender himself; together with the said declaration and a printed copy thereof; and that the Lords had come to some resolutions thereupon, to which their Lordships desired the concurrence of this house. And the said report, and also the said message from his Majesty to the house of Lords, and the declaration signed by the *Pretender*, and the printed copy thereof, and the resolution of the Lords thereupon, were read. Hereupon Mr. *Sandys* moved, for agreeing with the Lords in the first resolution, and being seconded by Colonel *Bladen*, the same was unanimously agreed to. Then the second resolution being read a second time, Mr. *Yonge* moved for an amendment to it, viz. That the two Sheriffs of *London* should then attend in their own proper persons, and cause the said declaration to be burnt by the hands of the common hangman. Which resolution so amended, was agreed to *Nemine Contradicente*, On this occasion Mr. *Yonge*, in a long speech, run over the *Pretender's* declaration, and exposed the insolence, weakness, and absurdities of that libel. Sir *William Thompson*, recorder of *London*, spoke also, with great vehemence on the same topic, as did also the Hon. Mr. *Pelham*, brother to the Duke of *Newcastle*, who moved, That an address be presented to his Majesty upon that subject. He was seconded by Mr. *Arthur Onslow*, who represented the danger of Popery, and severely animadverted on the audaciousness of the Pretender and his adherents; Hereupon it was resolved, *Nemine Contradicente*,
 ‘ That an humble address be presented to his Majesty, expressing their utmost astonishment and indignation at the surprizing insolence of the Pretender, in his late traiterous and presumptuous declaration; and to assure his Majesty, That his faithful
 ‘ ful

‘ful subjects being fully satisfied they have no other
 ‘security for their religious and civil rights, but the
 ‘preservation of his person and government, and the
 ‘Protestant succession, are determined to support,
 ‘with their lives and fortunes his most just title to
 ‘the Crown of these realms, against the Pretender,
 ‘and all his open and secret abettors.’ And a
 committee was appointed to draw up an address, pur-
 suant to the said resolution.

The next day, *Nov. 17th.* Mr. *Pelham* reported the said address, which being unanimously agreed to, a conference was desired and managed with the Lords, upon the subject of the last conference, in which the managers of the Commons, having delivered to the Lords the several papers communicated to the Commons by their Lordships, desired their Lordships concurrence both to the amendment to one of their resolutions beforementioned, and to the address the Commons had agreed upon to be presented to his Majesty. The Lords having readily concurred in both, and sent to know his Majesty’s pleasure when he would be attended with the said address, his Majesty was pleased to appoint that very afternoon, whereupon both houses, with their Speakers, went immediately to the palace at *St. James’s*, and presented to his Majesty the said address as follows:

Most gracious Sovereign,

‘**W**E your Majesty’s most dutiful and faithful
 ‘subjects, the Lords spiritual and temporal,
 ‘and Commons in Parliament assembled, being
 ‘deeply affected with the sense of those many blef-
 ‘sings, which we have constantly enjoyed, and hope
 ‘long to enjoy, under your Majesty’s most just and
 ‘gracious government; and being thoroughly con-
 ‘vinced that our religious and civil rights, as well
 ‘as the very being of the *British* name and constitu-
 ‘tion, do under God, intirely depend upon the pre-
 ‘servation

Address of
 both houses
 against the
Pretender’s
 declaration.

‘ servation of your Majesty’s sacred person, and of
 ‘ the Protestant succession, as settled by law in
 ‘ your royal line, are filled with the utmost asto-
 ‘ nishment and indignation at the unexampled
 ‘ presumption and arrogance of the Pretender to
 ‘ your dominions, in daring to offer such an indig-
 ‘ nity to your Majesty and the *British* nation, as to
 ‘ declare to your subjects, and to all foreign princes
 ‘ and states, that he finds himself in a condition to
 ‘ offer terms to your Majesty, and even to capitu-
 ‘ late with you for the absolute surrender of the reli-
 ‘ gion and liberties of a free nation.

‘ However great the infatuation of his advisers
 ‘ may be, we are sensible nothing could have raised
 ‘ his and their hopes to so extravagant a degree of
 ‘ presumption, but repeated encouragements and as-
 ‘ surances from the conspirators at home, founded on
 ‘ the most injurious and gross misrepresentations of
 ‘ the inclinations and affections of your Majesty’s
 ‘ subjects; and a rash conclusion, That because
 ‘ some, from whom it ought least to have been
 ‘ expected, had broke through the solemn restraint
 ‘ of reiterated oaths, in order to raise themselves on
 ‘ the ruins of their country, therefore the whole bo-
 ‘ dy of the nation was ripe for the same fatal defec-
 ‘ tion, and ready to exchange the mild and legal
 ‘ government of a most indulgent prince, for the
 ‘ boundless rage of an attainted fugitive, bred up in
 ‘ maxims of tyranny and superstition.

‘ But we, your Majesty’s most dutiful and loyal
 ‘ subjects, resolve, by a steady and constant adhe-
 ‘ rence to your government, to wipe off this stain
 ‘ and imputation from the name of *Britons*; and to
 ‘ convince the world, that those wicked designs,
 ‘ formed against your Majesty’s sacred person and
 ‘ government, which the insolence of this declaration
 ‘ proves to be most real, while it affects to treat
 ‘ them as imaginary, are indeed impracticable a-
 ‘ gainst a prince relying on, and supported by the
 ‘ vigour

‘ vigour and duty of a *British* Parliament, and the
 ‘ affections of his people.

‘ And we beg leave, in the most solemn manner,
 ‘ to assure your Majesty, that neither the impotent
 ‘ menace of foreign assistance, nor the utmost ef-
 ‘ forts of domestic traytors, shall ever deter us from
 ‘ standing by your Majesty with our lives and for-
 ‘ tunes, and supporting your Majesty’s most just ti-
 ‘ tle to the crown of these realms, against the Pre-
 ‘ tender and all his open and secret abettors, both at
 ‘ home and abroad.’

To this address his Majesty was pleased to return
 the following most gracious answer.

My Lords and Gentlemen,

*I Give you many thanks for the just resentment you
 have expressed against the indignity offered to ME
 and the BRITISH nation.*

*I shall continue to protect and support my good people
 in the full enjoyment of their religion, liberties, and pro-
 perty, against all that shall endeavour to subject them to
 tyranny and superstition.*

November 23. The Commons, in a great com-
 mittee, considered on *Ways and means* to raise the
 supply, and a motion was made, ‘ That towards
 ‘ raising the supply, and reimbursing to the public
 ‘ the great expences occasioned by the late rebellions
 ‘ and disorders, the sum of one hundred thousand
 ‘ pounds be raised and levied upon the real and per-
 ‘ sonal estates of all Papists, Popish recusants, or per-
 ‘ sons educated in the Popish religion, or whose pa-
 ‘ rents are Papists, or who shall profess the Popish
 ‘ religion, in lieu of all forfeitures already incurred
 ‘ for, or upon account of their recusancy, and in
 ‘ lieu of the rents and profits of two thirds of their
 ‘ registered estates, for one year.’ This motion was
 opposed by Sir *Wilfred Lawson*, Mr. *Onslow*, Mr.

Debate about
 laying an ex-
 traordinary
 tax on the
 estates of
 Papists.

Hunger-

Hungerford and *Dr. Friend*, who suggested that such an *extraordinary tax*, would carry the face of *persecution*, which was inconsistent with the principles and temper of the Protestant religion; and *Dr. Friend* added, ‘ That some of those that had their education ‘ in foreign *Popish* seminaries, proved some of the ‘ best friends to the present government.’ To this *Mr. Yonge* answered, that he knew very little of foreign education, but he doubted very much, that loyalty to *King George* was taught by Priests and Jesuites in *Romish* seminaries? The *Lord Gage*, who was bred a *Roman Catholic*, and has several relations of that religion, thought it a duty incumbent upon him to speak in their favour, which he did several times, and among other things said, ‘ That he believed most of them to be very loyal subjects, tho’ ‘ by their principles they cannot take the oath of *supremacy*; and therefore his Lordship proposed that ‘ a new oath of allegiance might be framed for ‘ them,’ *William Thompson*, Esq; spoke on the same side, and declared his abhorrence of persecuting any body, on account of their opinions in religion. This was answered by *Sir William Thompson*, recorder of *London*, who stated the true ‘ notion of *persecution*, which, in his opinion, was, only when any ‘ one is punished for his particular opinion in religion, and for serving God according to that opinion, and the dictates of his conscience: But he ‘ added, That was not the case here, for the extraordinary tax now intended to be raised upon the ‘ Papists, was not a punishment for their being *Roman Catholics*, but on account of penalties they had ‘ at divers times, incurred, for being enemies to the ‘ civil government, raising rebellions, and contriving plots against the state.’ He was answered again by the *Lord Gage*, who was replied to by *Mr. Horatio Walpole*, and he by *Mr. Hungerford*. At last *Mr. Chancellor of the Exchequer* stood up, and, ‘ presented the great dangers this nation had been ‘ in

' in, ever since the reformation, from the constant
 ' endeavours of *popery* to subvert our happy con-
 ' stitution, and the protestant religion, by the
 ' most cruel, violent, and unjustifiable methods.
 ' That he would not take upon him to charge any
 ' particular person among them with being con-
 ' cerned in the present horrid conspiracy: But
 ' that 'twas notorious to the whole world, that
 ' many of them, had been engaged in the *Preston*
 ' rebellion, and some were executed for it; that
 ' the present plot was contrived at *Rome*, and
 ' countenanced in *popish* countries; that many
 ' of the papists were not only well wishers to it,
 ' but had contributed large sums of money towards
 ' carrying it on; and therefore he thought it very
 ' reasonable, since they made such ill use of the
 ' savings of the incomes of their estates, that the
 ' same should go towards the great expence they,
 ' and the *Pretenders* friends, had put the nati-
 ' on to.

Then the question being put upon the motion
 above mentioned, the same was carried in the affir-
 mative by 217 votes, against 168. And this re-
 solution was ordered to be reported the *Monday*
 following.

In the mean time, the friends and agents of the
Roman Catholics bestirred themselves very much
 in their favour: so that, on *Monday*, the 26th of
November, when the said resolution was reported,
 and the question put, that the house agree with
 the Committee, the same met with a very vigo-
 rous opposition, not only from the Lord Gage,
 Mr. *Lutwick*, Mr. *Hungerford*, and Mr. *Sloper*,
 but also, which carried a great weight, from the
Master of the rolls, who, among other things,
 took notice, ' That tho' the law for taking away
 ' two thirds of the estates of *popish* recusants which
 ' was made in *Queen Elizabeth's* reign, was a just
 ' punishment the *Roman catholics* drew upon
 themselves

‘ themselves by their frequent conspiracies against
 ‘ her life and government; yet nevertheless, such
 ‘ was the wisdom and moderation, of that excel-
 ‘ lent Princess, and of her ministers, that they
 ‘ never put that severe law in execution; and
 ‘ since those great virtues shine no less brightly in
 ‘ his present Majesty, than in Queen *Elizabeth*,
 ‘ his royal predecessor, he wished he could say the
 ‘ same of those who have the honour to serve
 ‘ him.’ Mr. *West*, and some others, spoke like-
 ‘ wise against the resolution, but they were answer-
 ‘ ed by Mr. *Lowndes*, Captain *Vernon*, and Mr.
 ‘ *Chancellor of the Exchequer*, so that the question
 ‘ being put thereupon, it was carried by 188 votes
 ‘ against 172; and a bill was ordered to be brought
 ‘ in accordingly.

Debate in
 the house of
 Peers, about
 the printing
 of Mr. *Lay-*
er's trial.

On *Monday* the 21st of *January*, the Earl of
Anglesey, made a speech in the house of Peers,
 wherein his Lordship took notice, ‘ That at the
 ‘ opening of this session, his Majesty, in his speech
 ‘ from the throne, had been pleased to acquaint
 ‘ both houses with the discovery of a dangerous
 ‘ conspiracy, which, for some time, had been
 ‘ formed, and was still carrying on, against his
 ‘ Majesty’s person and government; That some
 ‘ of the conspirators had been taken up and secur-
 ‘ ed; and that endeavours were used for the ap-
 ‘ prehending others—That one of the principal
 ‘ plotters having since that time been tried and
 ‘ condemned, it was somewhat strange that no
 ‘ particulars, relating to the said conspiracy had yet
 ‘ been communicated to that house, the rather be-
 ‘ cause several of their members had been appre-
 ‘ hended, and were still confined upon suspicion
 ‘ of being concerned in it:’ And therefore his
 Lordship moved, ‘ That the judges of the *King’s-*
 ‘ *Bench* be ordered to cause the trial of *Christopher*
 ‘ *Layer*, Esq; to be forthwith printed and publish-
 ‘ ed

‘ed, being first perused by the King’s counsel:’
This motion was backed by the Earls *Cowper*,
Strafford, and *Aylesford*, the Lords *Trevor*, *Bathurst*, *Lechmere*, and some others, who among
other things, urged, ‘That there had been an ex-
‘traordinary, and, in their opinion, an unneces-
‘sary delay in the printing and publishing the said
‘trial, it being two months since Mr. *Layer* was
‘tried, and direction having been given to *Samuel*
‘*Buckley*, for the speedy publishing of his trial,
‘so long since as the 27th of *November* last,’ as
appeared by an advertisement printed by authority
in the *Gazette*. ‘That no step having been taken
‘for obtaining the justice due by the laws of the
‘land to any of the other conspirators, the pub-
‘lication of the said trial, ought, in their opinion,
‘to have been quickened, whereby the nation
‘would have received such satisfaction, concern-
‘ing the said execrable conspiracy, as could be
‘collected from the said proceeding; and that
‘house have been enabled to make such use of it,
‘as should appear necessary, in their wisdom, for
‘the honour, interest, and safety of his Majesty
‘and his kingdoms.’ To this it was answered,
‘by the Lord *Carteret*, one of his Majesty’s prin-
‘cipal secretaries of state. ‘That the order mov-
‘ed for, was altogether unnecessary, directions hav-
‘ing, long before, been given, by the judges of
‘the court of *King’s-Bench*, for the printing and
‘publishing of the said trial, with all convenient
‘speed: That the said trial being of a very large
‘extent, and several parts of it that were taken
‘down in short hand, requiring a great deal of
‘time to be put in order, and revised and rectifi-
‘ed by the judges, and the counsel, on both sides,
‘had occasioned the delay complained of; but
‘that the printing of the said trial being now in
‘great forwardness, the same would be published
‘in a few days.’ His Lordship was supported by

the Dukes of *Argyle* and *Newcastle*, and several other Peers; and a question being stated upon the Earl of *Anglesey's* motion, after some farther debate, the *previous question* was put, *whether the said question should be now put?*

It was resolved in the negative.

Not Content 53.

Content 32.

Dissentient.

Protest against the delay in publishing *Layer's* trial.

I. **B**Ecause it appeared to us on the debate of the main question, that there has been an unnecessary and affected delay in the printing and publishing the said trial, it being full two months since *Christopher Layer* was tried; and direction having been given for the speedy publishing thereof, so long since as the 27th of *November* last, as appears by an advertisement printed by authority in the *Gazette*: And it having been allowed in the debate, that the delay was extraordinary, and no fact having been laid before the house, sufficient, as we apprehend, to excuse such delay, we think that the main question ought to have been put, as the only security, in our opinion, against any farther neglect, and to prevent any imputation on the honour of the house for countenancing or conniving at such delay.

2. This house having received no manner of satisfaction, since his Majesty's most gracious speech from the throne, touching the horrid conspiracy therein communicated; and no step having been taken, for ought appears to us, either in Parliament, or elsewhere, for obtaining the justice due by the laws of the land to any of the conspirators, except the said *Layer*, tho' his Majesty was pleased to assure this house, in his speech from the throne, that some of the conspirators were then taken up and secured; we think, that the main question

question ought to have been put, whereby the publication of the said trial might have been quickned, and thereby the nation received such satisfaction concerning the said execrable conspiracy, as could be collected from the said proceeding, and this house have been enabled to make such use thereof as should appear necessary, in their wisdom, for the honour, interest, and safety of his Majesty and his kingdoms.

3. Because we are apprehensive, that the delay in publishing the said trial may have contributed to create jealousies concerning the said conspiracy, and may have encouraged ill-affected persons to foment the same, to the great prejudice of his Majesty's government: And as, in our opinion, the speedy publishing the said trial, if the same had been done, might have conduced to the preventing of those mischiefs, we also conceive, that the farther growth of them might have been checked, if the main question had been put, and carried in the affirmative.

4. Because we think it of great consequence to his Majesty's service, that the publication of the said trial should have been made under the strictest security against all partiality, or other abuse relating thereto; and therefore we think the main question ought to have been put, whereby the care and inspection thereof would have been lodged, by the authority of this house, in the hands of the judges, to whom it properly belongs, and its falling into any other hands not so proper, or not so immediately responsible to this house, would have been prevented.

*Anglesey,
Trevor,
Batburst,*

*Lechmere,
Cowper,
Foley,*

*Craven,
Hereford,
Asbburnham,
Strafford,*

Strafford, *Aylesford,* *Gower,*
Osburn, *Compton,* *Weston.*
Fr. Cestrien'

Then a motion being made, and the question being put, that the judges of the *King's-Bench* do attend in their places, on *Thursday* next, and that the King's counsel who were concerned in the trial of *Christopher Layer*, and also the counsel for the said *Layer* at the said trial, and Mr. *Samuel Buckley*, and the person or persons who took the said trial in short hand, do attend at the bar of this house at the same time,

It was resolved in the negative.

Dissentient.

1. **B**Ecause the house having resolved, that the question for ordering the printing the trial of *Christopher Layer* should not now be put, we are of opinion, that it is thereby made necessary, for the honour of the house, that the occasion of the delay should be inquired into; for without such inquiry, we are apprehensive that the proceedings of this house may be misconstrued, as tending to countenance such delay.

2. Because we think it the right of this house to inquire into all neglects or abuses which concern the public; and tho' it was objected in the debate, that such inquiry might carry some imputation on the judges, or other persons concerned, we think that objection may be equally assigned against all inquiries, but it is inconsistent with the honour and dignity of the house, and ought not, as we conceive, be put in the balance with the honour of the house, and the public service, to which the question, in our opinion, has an apparent tendency.

Anglesey,

Anglesey,

Brook,

Weston,

Strafford,

Gover

Craven,

Bathurst,

Foley,

Aylesford,

Compton,

Trevor,

Ashburnham,

Osburn,

Lechmere,

Cowper.

Fr. Cestrien'

House of Lords, Jan. 29th 1722.

THE house, according to order, proceeded to take into consideration the protestation entered upon *Monday* the 21st of this instant, touching the motion for ordering the judges to cause the trial of *Christopher Layer* to be printed: And it being moved to resolve, that it is a groundless assertion in the said protestation (*That it appeared on the debate, that there had been an unnecessary and affected delay in printing and publishing the trial of Christopher Layer*) and the utmost indignity to this house to suggest, that any question was necessary to have been put for preventing an imputation on the honour of this house, for countenancing or conniving at such delays; and a question being stated thereupon, it was proposed, after the word [*debate*] to add these words [*to the Lords who signed the protestation*] which being objected to,

The question was put, whether these words shall be made part of the question?

It was resolved in the negative.

Content 34.

Not Content 64.

Then it was proposed, after the word [*question*] to insert [*in the opinion of the same Lords*] before the words [*was necessary.*]

It was resolved in the affirmative,

Content 62.

Not Content 35.

A motion was made to resolve, that the trial had been printed and published with as much expedition as the length and nature of the said trial, and the careful perusal and examination thereof by the Judges could admit of, and in as little time as has generally been accustomed in the like cases, and that it is an unjust insinuation, that the authority of this house was wanting, for lodging the care and inspection of the said trial in the hands of the Judges, or that there was any danger of its falling into any other hands, or that the same had been under the direction of any other besides the Judges.

After debate, it was proposed to leave out the words [*and that it is an unjust insinuation*] and to the end of the question.

The question was put, that these words do stand part of the question.

It was resolved in the affirmative.

Content 58.

Not Content 32.

*The PROTESTATION to the first resolution of
Jan. 29. 1722.*

I. **B**Ecause the assertion and suggestion in the protest, intended to be censured by the resolution, are qualified, as the amendment offered would have stated them, if admitted, by being restrained to the opinion of the Lords who signed the protestation. But those restrictions are wholly omitted in the resolution, and we are clearly of opinion, that if the assertion and suggestion had been set forth in the resolution, as they stand in the protestation, they could not have been censured with any colour of justice; but that the said omission being as we conceive, of a circumstance extremely material, we think the censures contained in the resolution are not applicable to the assertion

fertion and suggestion, found in the protestation, but to such as are of a different nature.

2. The restraining the assertion used in the protestation to the apprehension or opinion of the Lords protesting, where it contradicts the opinion of the house, is, as we conceive, so much of the essence of the protestation with reasons, that of the great number of instances of such protestations standing in the journals of this house, not one would be found regular among them, if that due caution and respect to the opinion of the majority was omitted: And therefore it seems clear to us, that the like censure might be as justly passed on all the protestations with reasons, that were ever entered, if they were recited and represented in the same manner as we conceive this to be.

Litchfield.

Foley.

Trevor.

Fr. Cestrien.

Strafford.

Guilford.

Ashburnham.

Exeter.

Aberdeen.

Hereford.

Bingley.

Scarsdale.

Brook.

Uxbridge.

Craven.

Bathurst.

Osborn.

Leckmere.

Gower.

Anglesey.

Hay.

Montjoy.

Cowper.

Compton.

*The PROTESTATION to the second resolution
of Jan. 29. 1722.*

Dissentient?

BEcause we conceive it to be contrary to the nature and course of proceedings in Parliament, that a complicated question, consisting of matters of a different consideration, should be put, especially if objected to, that Lords may not be deprived of the liberty of giving their judgments on the said different matters, as they think fit.

Signed by the same Lords as that above.

*The PROTESTATION to the third resolution
of Jan. 29. 1722.*

'Dissentient'

1. **B**Ecause when the question was moved on the 21st of this instant, in order to appoint a day for the house to enquire if the printing of *Layer's* trial had been dispatched with all proper expedition; or, if not, where the fault lay; which would naturally have led us to have seen, if it had fallen into any other hands than it should have done: Though we thought it highly reasonable, the majority of the house then did not; and we were yet willing to have given into the same examination. But we cannot conceive it to be fit or agreeable to the dignity or regular course of proceedings in this house, to vote or resolve on matters of fact such as are contained in this resolution, without any examination at all, or any evidence given to support them, and which, in their nature, as we think, cannot be within the knowledge of any Lord present in the debate.

2. As for the insinuation with which the protest is charged by this resolution, we do not apprehend the protestation to be justly liable to that charge. But supposing it to be so, we cannot yet but be of opinion, that the permitting that matter to have been fully inquired into, would have been the properest and best method of preventing or answering that insinuation.

Litchfield.

Foley.

Anglesey.

Fr. Cestrien.

Hay.

Cowper.

Hereford.

Strafford.

Trevor.

Brook.

Exeter.

Guilford.

Lechmere.

Bingley.

Aberdeen.

Bathurst.

Bathurst. *Uxbridge.* *Scarsdale.*
Gower. *Compton.* *Craven.*
Montjoy. *Osborn.*

A motion was made, that this house, not capable of doubting of the truth of the traiterous conspiracy communicated to them by his Majesty, in his most gracious speech from the throne, has even since that time received very great satisfaction from some convincing proofs touching the same, and is firmly persuaded, that such farther satisfaction will be yet in due time given, as must render it impossible for any one to doubt thereof. Upon this resolution, a protest was made by twenty two Lords, for the reasons following.

1. Because, to the best of our apprehension, no part of the protestation gave occasion for the putting such a question: For it was as we conceive, admitted in the protestation, that his Majesty's most gracious speech from the throne had given satisfaction as to the truth of the conspiracy in general; and the excepting *Layer's* trial therein did plainly allow that the said trial had, as far as it went, opened the particulars: and yet the resolution, as we take it, carries with it an insinuation, that the protestation had raised a doubt concerning the truth of the said traiterous conspiracy; which insinuation is, in our opinion intirely groundless.

2. The said several resolutions importing, censuring, as we conceive, the said protestation, and being not warranted by more than one precedent that we can find in the journals of this house; and the liberty of protesting with reasons, being an unquestionable right, and essential privilege of the whole peerage, we are of opinion, that the said resolutions tend to discourage and discountenance

tenance the due liberty of protesting, and, in that respect, may be, as we apprehend, of dangerous consequence.

Litchfield.

Gower.

Guilford.

Aberdeen.

Strafford.

Craven.

Osborne.

Anglesey.

Hay.

Compton.

Bingley.

Hereford.

Exeter.

Scarsdale.

Brook.

Uxbridge.

Foley.

Montjoy.

Cowper.

Fr. Cestrien.

Bathurst.

Leckmere.

Die Sabbati 16to Feb. 1722.

THE amendments in the *bill for punishing mutiny and desertion* were, according to order, reported, and the amendment for inserting the number of forces thought proper to be kept on foot for the ensuing year, consisting of 16449 effective men, Officers included, and 1815 invalids, being read a second time,

The question was put, whether to agree with the Committee in this amendment?

It was resolved in the affirmative.

Dissentient

1. Because, as we conceive, the keeping an army of regular troops in this kingdom under martial law, consisting of a greater number than what we take to be necessary for the guard of the King's person, and the defence of the government, is of the most dangerous consequence to the constitution of this kingdom, and, in our opinion, may bring a total alteration of the frame of our government, from a legal and limited monarchy, to a despotic. And we are induced to be of this judgment, as well from the nature of armies, and the inconsistency of so great a military power and martial law

law with the civil authority, as from the known and universal experience of other countries in *Europe*, which, by the influence and power of standing armies, in time of peace, have from limited monarchies (like ours) been changed into absolute; for which reason we cannot give our consent to this amendment, whereby the present number of troops, amounting in the whole (invalids included) to fourteen thousand odd hundred men (which we think abundantly sufficient for all good purposes) will be increased to near four thousand more, although there be at this time no ground to apprehend an invasion from a foreign enemy, or, as we believe, any insurrection or rebellion at home.

2. Because that which seems to have given rise to this augmentation of the army, is the late treasonable conspiracy, which his Majesty at the opening of this session, acquainted his Parliament with; and that conspiracy having been discovered above eight months since, and the farther detecting and punishing the conspirators having been ever since in the hands of a faithful and diligent Ministry, we cannot think it at all probable the conspiracy should still be carrying on; or if any dregs of it should be yet remaining, that the government cannot be easily secured by a civil authority, assisted by so great a number of troops as are at present on foot; and therefore we cannot think ourselves justifiable to the kingdom (whose rights and privileges we are intrusted to preserve) had we given our votes for this augmentation of troops, when no evident necessity, or just occasion appeared to us for such an increase.

3. Because the act passed this session, to enable his Majesty to apprehend and detain in custody any person (suspected of being engaged in any treasonable conspiracy) for above twelve months, though

though that power had never been granted to the crown before, for half that time at once (and that when there was an actual rebellion, or expected invasion) was so great a power added to the former authority of the crown, that we cannot but think it altogether sufficient to prevent any mischief from treasonable plots or practices, which may be carried on by any rebellious or discontented persons, without increasing the army, which, in its present state, is not submitted to, but as necessary for avoiding a greater evil.

4. Though the intended augmentation by this bill is intended only for one year, yet we fear this will be a means of continuing them in perpetuity; for we think it probable, there will, at all times hereafter, be easily found as good reasons for continuing this increase, as there is now for making it.

5. Because we think the greatest, and only lasting security to his Majesty and his government, is in the hearts and affections of his subjects; and if the disaffection or discontents which have of late happened from some unfortunate proceedings, are thought by any to be an argument for raising more forces, we think it the duty of all good subjects, who wish well to his Majesty and our present happy establishment, to use their best endeavours for curing those discontents, by removing or lessening the occasions of them, and consequently, that there should not be an augmentation of the army, which is already sufficiently burthenome to the subjects, both by the great charge of maintaining them, and by the uneasiness to the places where they are quartered; because thereby the charge to the subject will be considerably increased, which, as we apprehend, ought most carefully to be avoided in our circumstances, when the load of taxes is already so very great, and the
kingdom

kingdom involved in so immense a debt, that nothing but the most prudent œconomy and good husbandry, can give us any probable prospect of easing it: and therefore not being convinced of any real or just ground for such increase of troops, do fear that this will not take away or lessen, but rather increase the discontents and disaffection of the people, and in that respect, weaken his Majesty's government, in a greater degree than it will be strengthened by this addition of forces, allowing something for the possibility of false musters.

<i>W. Ebor.</i>	<i>Gower,</i>	<i>Cowper,</i>
<i>Powlet,</i>	<i>Trevor,</i>	<i>Osbern,</i>
<i>Uxbridge,</i>	<i>Compton,</i>	<i>Litchfield,</i>
<i>Aberdeen,</i>	<i>Strafford,</i>	<i>Ashburnham,</i>
<i>Oxford,</i>	<i>Fr. Cestriens.</i>	<i>Foley,</i>
<i>Scarsdale,</i>	<i>Hay,</i>	<i>Montjoy.</i>

March 8. The Commons proceeded to take into consideration the report from the committee appointed to examine *Christopher Layer* and others; and *William Pulteney*, Esq; moved that this question might be put, viz.

‘ That upon consideration of the report and the
 ‘ several papers and examinations relating to the con-
 ‘ spiracy, it appears to this house, that a detestable and
 ‘ horrid conspiracy has been formed and carried on by
 ‘ persons of figure and distinction, and their agents
 ‘ and instruments; in conjunction with traitors abroad,
 ‘ for invading these kingdoms with foreign forces,
 ‘ for raising insurrections and a rebellion at home,
 ‘ for seizing the tower and city of *London*, for lay-
 ‘ ing violent hands upon the person of his most sacred
 ‘ Majesty and the Prince of *Wales*, in order to subvert
 ‘ our present happy establishment in church and state,
 ‘ by placing a *Popish* Pretender upon the throne.

This motion was seconded by Sir *John Rusbout* and *Thomas Broderick*, Esq; but Mr. *Skippen* and Mr. *Bromley*

Debates and
 resolutions of
 the Com-
 mons about
 the conspi-
 racy.

Bromley endeavoured to extenuate some matters, which, in their opinion, were couched in too strong terms, as not being clearly proved. They said they did not doubt of the conspiracy, for they believed there had always been one carrying on against the present settlement, ever since the *Revolution*: But from what had yet been laid before the house, it did not appear to them that there was such a particular concerted plot as was mentioned in the question above-mentioned. Sir *Joseph Jekyll*, Master of the Rolls, said thereupon, with a great deal of warmth, he could not with patience, and with his usual moderation, hear the truth of this detestable and horrid conspiracy called into question, after so many undeniable proofs. But, added he, as there are people who know nothing of the plot, and yet believe it, so there are others that know the whole plot, and yet pretend not to believe it.' He was answered by Mr. *W* ——— *J* ——— who, in particular, excepted against these words in the question, *viz. for laying violent hands upon the person of his most sacred Majesty and the Prince of Wales*; because it appeared by the report, that the conspirators only meant *the seizing or assaulting the King's person, &c.* But he was smartly replied to by Mr. *Horace Walpole*, who, among other things, said, 'he was amazed to hear such words come out of the mouth of a lawyer, and a member of that house; but since he had forgot his profession, and the place he was in so far as to make so small a matter of *seizing the King's person*, and the heir apparent, on whom all that is dear and valuable to *Englishmen*, both as men and christians, intirely depends, he must take the liberty to tell him, that, much less than seizing and assaulting the person of the King or Prince, is by our laws looked upon as an *over-act* of high-treason, After some other speeches on both sides, the question, as proposed by Mr. *Pulteney*, was carried without dividing.

Then

Then Mr. *Pelham* moved, ‘ That it appears to
 ‘ this house, that *Christopher Layer* in his several ex-
 ‘ aminations before the Lords of the council, and
 ‘ the committee of this house, has grossly prevarica-
 ‘ ted, suppressed the truth, contradicted himself, and
 ‘ endeavoured, as far as in him lies, to disguise and
 ‘ conceal the said horrid and detestable conspiracy :
 And being seconded by the Lord *Tyrconnel*, the said
 question was also carried without any division.

After this Mr. Attorney-General moved, ‘ That
 ‘ it appears to this house, that *John Plunket* has been
 ‘ a principal agent and instrument in the said horrid
 ‘ and detestable conspiracy, and has carried on seve-
 ‘ ral treasonable correspondences to procure a foreign
 ‘ force to invade these kingdoms, to raise insurrec-
 ‘ tions and a rebellion at home, and was engaged
 ‘ with others in the villainous and execrable design
 ‘ of laying violent hands upon his Majesty’s most
 ‘ sacred person.’ This question being likewise car-
 ried with very little opposition and without division;
 Mr. Attorney General moved again, that leave be
 given to bring in a *bill to inflict certain pains and*
penalties upon John Plunket. He was seconded by
 Mr. *Onslow*, but tho’ the said motion was warmly
 opposed, yet after a long debate, it was carried by a
 majority of 289 voices, against 130, that the said
 bill be brought in; and then the house adjourned till
Monday the 11th of March.

That day the house resumed the adjourned confi-
 deration of the report from the secret committee,
 and Mr. Solicitor General opened the debate in a
 speech, wherein he particularly enlarged on the share
 Mr. *George Kelly, alias Johnson*, had in the traiterous
 and detestable conspiracy, and then proposed this
 question, *viz.* ‘ That upon consideration of the re-
 ‘ port from the committee, appointed to examine
 ‘ *Christopher Layer* and others, and the several pa-
 ‘ pers and examinations relating to the conspiracy
 it,

Farther de-
 bates and re-
 solutions a-
 bout the
 conspiracy.

' it appears to this house, that *George Kelly, alias*
 ' *Johnson*, has been a principal agent and instrument
 ' in the said horrid and detestable conspiracy, and
 ' has carried on several treasonable correspondences
 ' to raise insurrections and a rebellion at home, and
 ' to procure a foreign force to invade these king-
 ' doms from abroad: This motion being seconded
 by Mr. *Sandys*, was carried without any division.
 Then Mr. Solicitor General moved, that a bill be
 brought in *to inflict certain pains and penalties upon*
George Kelly alias Johnson, which was seconded by
 Mr. *Walpole*. Hereupon Mr. *Trenchard* said, he
 thought the properest way to proceed against this
 criminal was in the old parliamentary method, by
 bill of *Attainder*, there being sufficient proof to sup-
 port such a bill: But this motion, was not seconded.
 On the other hand, Mr. *Bromley*, Mr. *Shippen*, Mr.
Lutwyche, and some others, opposed Mr. Solicitor
 General's motion, but were answered by the Master
 of the Rolls and Mr. *Talbot*, and, about four in the
 afternoon, the question being put thereupon, was car-
 ried in the affirmative by 280 voices against 111.

Then Mr. *Yonge* stood up, and in a long speech
 took notice, ' how deeply Dr. *Francis Atterbury*,
 ' Bishop of *Rocheſter*, had been concerned in this
 ' detestable conspiracy; aggravating his crime from
 ' his holy function, and high station in the church
 ' of *England*, a church ever conspicuous for its loy-
 ' alty; from the solemn oaths he had, on so many
 ' occasions, taken to the government, and by which
 ' he had *abjured the Pretender*; when at the same
 ' time he was traiterously conspiring to bring him
 ' in, upon the ruin of his country, and of all that
 ' was dear and valuable to us, as freemen and chris-
 ' tians: Concluding, That as he was a disgrace to
 ' his order, and dishonour to the church, so he might
 ' apply to him, on this occasion, these words of the
 ' 1st. of *Acts*, verse 20th. *Let his habitation be de-*
 ' *solate and let no man dwell therein: And his Bi-*

Debate and
 resolution a-
 bout the
 Bishop of
Rocheſter,

SHOPRIC

‘ *SHOPRIC let another take*; and therefore he moved,
 ‘ That it appears to this house, that *Francis Lord*
 ‘ *Bishop of Rochester* was principally concerned in
 ‘ forming, directing and carrying on the said wicked
 ‘ and detestable conspiracy, for invading these king-
 ‘ doms with a foreign force, and for raising insur-
 ‘ rections and a rebellion at home, in order to sub-
 ‘ vert our present happy establishment in church and
 ‘ state, by placing a *Popish Pretender* upon the
 ‘ throne.’ Mr. *Yonge* was seconded, and strongly
 supported by Sir *John Cope*; but they were answered
 by Sir *William Wyndham*, who said, he saw no cause
 to proceed against the Bishop in so severe a manner,
 there being little, or indeed, no evidence besides
 conjectures and hearsays. He was backed by Mr.
Bromley, Mr. *Shippen*, Mr. *Hutcheson*, Mr. *Hunger-*
ford, Mr. *Strangeways*, Mr. *Lutwyche*, and in a most
 strenuous manner by Dr. *Friend*. They were replied
 to by Sir *Joseph Jekyll*, Mr. Chancellor of the *Ex-*
chequer, Mr. *Pelham*, Mr. *Talbot*, Mr. *John Smith*,
 (formerly Speaker of the house of Commons) and
 Mr. *William Pulteney*; and a motion being made
 and the question put, That the house do now adjourn,
 it passed in the negative by a majority of 285 voices
 against 152; after which the question being put
 upon Mr. *Yonge*’s motion, the same was carried with-
 out dividing. Then a motion was made, and the
 question put, That a bill be brought in to inflict cer-
 tain pains and penalties upon *Francis Lord Bishop of*
Rochester, which after some farther debate, was also
 carried without any division.

The Commons having sat very late, adjourned
 themselves to *Wednesday* the 13th of *March*, when
 Mr. Chancellor of the *Exchequer*, acquainted the
 house, That he had received his Majesty’s commands
 to acquaint this house, ‘ That his Majesty having
 ‘ had just reason to apprehend Dr. *John Friend* (a
 ‘ member of this house, for high-treason, had caused

Message a-
 bout Dr.
Friend’s be-
 ing taken up
 for high-
 treason.

Motion and
debatethere-
upon.

‘ him to be apprehended, and desired the consent of
 ‘ this house to his being committed and detained for
 ‘ *high-treason*, according to an act of this present
 ‘ session, *for empowering his Majesty to secure and de-*
 ‘ *tain such persons as his Majesty shall suspect are*
 ‘ *conspiring against his person and government* : Upon
 ‘ which he moved, ‘ That an humble address be
 ‘ presented to his Majesty, That he would be pleased
 ‘ to give orders for committing and detaining Dr.
 ‘ *John Friend* (a member of this house) pursuant to
 ‘ the act of this session of Parliament for that pur-
 ‘ pose.’ This motion was seconded and backed by
 ‘ several members : But Mr. *Shippen* and Mr. *Bromley*
 ‘ opposed it, saying, ‘ They could not see any reason
 ‘ for that house giving leave for detaining any mem-
 ‘ ber unless the species of treason was declared, and
 ‘ that the information was upon oath. Sir *Joseph*
 ‘ *Jekyll* and Mr. *Robert Walpole*, replied, That by
 ‘ the late act for suspending the *Habeas Corpus*, the
 ‘ King was impowered to take up any person he
 ‘ had reason to suspect ; That therefore the govern-
 ‘ ment was not obliged to say, whether the infor-
 ‘ mation was upon oath or not ; but Mr. *Walpole*
 ‘ added, he did not doubt but Dr. *Friend* was charged
 ‘ upon oath ; and privately declared to several
 ‘ members, That they had a positive oath of his
 ‘ being guilty of the *blackest* and *basest* treason.’ Mr.
 ‘ *Shippen* then suggesting, That the doctor’s having
 ‘ spoke so warmly the *Monday* before in *Kelly’s* and the
 ‘ Bishop of *Rockester’s* behalf, was, in his opinion, the
 ‘ reason of his being taken up the next day himself,
 ‘ and that, at that rate, there was an end of the li-
 ‘ berty of speech, which every member of that house
 ‘ had a right to : Mr. *Walpole*, with a great deal of
 ‘ warmth, replied, ‘ He wondered any gentleman
 ‘ could think any ministry capable of so base a thing,
 ‘ as to take up any gentleman for what he said in
 ‘ that house, without any other cause, when they
 ‘ knew themselves to be accountable as well as o-
 ‘ thers

‘thers for their actions: Adding, that they who made
 ‘such insinuations, might more easily be proved to
 ‘be *Jacobites*, than they could make out such an al-
 ‘legation against the ministry.’ Mr. *Pulteney* spoke
 on the same side, and in relation to Dr. *Friend’s*
 speaking in *Kelly’s* behalf, observed, ‘That it was
 ‘usual, in all conspiracies, for one traitor to endea-
 ‘vour to excuse another.’ Mr. *Shippen* with some
 warm animadverted upon this severe reflection,
 saying, ‘it was not to be endured to have a mem-
 ‘ber of that house called a *traitor* before he was
 ‘convicted as such:’ But Mr. *Pulteney* having ex-
 plained himself, that matter ended; and then the
 motion for an address was carried without dividing.

The next day, the Commons having resumed the
 adjourned consideration of the *Report* from the com-
 mittee appointed to examine *Christopher Layer* and
 others, it was resolved, 1. That the said report be
 communicated to the Lords at a conference. 2^{dly},
 To address his Majesty for leave, that the papers and
 examinations which had been laid before the house,
 relating to the conspiracy, might be communicated
 to the Lords. 3^{dly}, That an humble address be pre-
 sented to his Majesty, ‘expressing the indignation
 ‘of this house against the horrid and detestable con-
 ‘spiracy which had been carried on against his Ma-
 ‘jesty’s sacred person, and to congratulate his Ma-
 ‘jesty on the happy discovery of it, and to assure
 ‘his Majesty, that this house would proceed with
 ‘the utmost vigour, to bring those to justice who
 ‘had been concerned in these unnatural designs a-
 ‘gainst their country, and would effectually support
 ‘his Majesty’s government, and would maintain
 ‘with all that is dear and valuable to them, the pre-
 ‘sent happy establishment.’

Address of
 abhorrence
 of the con-
 spiracy, &c.
 voted.

A committee was appointed to draw up this last
 address, of which Mr. *Broderick* being chosen chair-
 man,

man, he reported the said address to the house on *Monday* the 18th of *January*, and the same having been agreed to, was on *Wednesday* the 20th presented by the whole house, to his Majesty, as follows:

Most gracious Sovereign,

‘ **Y**OUR Majesty’s most dutiful and loyal subjects, the Commons in Parliament assembled, do humbly beg leave to approach your royal person with hearts full of concern and horror, for the detestable conspiracy formed against your person and government.

‘ We lament, with indignation, that any of our fellow subjects, who enjoy, in common with us, the many and signal blessings of your Majesty’s mild and just administration, should so far give themselves up to delusion, as to conspire against public liberty, against their own security, and against the only bulwark of all that is dear and valuable, your Majesty’s person and the protestant succession in your royal family.

‘ We see with astonishment, that persons of figure and distinction, who ought to have been the best judges, and most zealous defenders of your beneficent and mild reign (by which alone their fortunes and dignities can be made secure) should be so far infatuated, as to head and abett a monstrous conspiracy to destroy your Majesty, their country and themselves; that honour, faith, and the most solemn ties of religion, should be violated in favour of a popish fugitive, known only for his blind bigotry and attachment to *Rome*.

‘ As we have, with sensible sorrow and just resentment, discovered these vile practices, so will we take care that the wicked authors may not, by any contrivance or practice whatsoever, escape punishment; but that all conspirators may, by the justice of Parliament, be for ever hereafter deterred from engaging in such traiterous attempts.

‘ We

‘ We congratulate your Majesty, and all your
 ‘ good subjects, that you have escaped the black and
 ‘ unnatural designs of the worst of men; and that
 ‘ Almighty God has, by this happy discovery, given
 ‘ you and your royal family a fresh instance of his
 ‘ singular care and protection.

‘ For us (your faithful Commons) who feel with
 ‘ joy and gratitude the inestimable blessings of your
 ‘ reign; who are sensible of the glorious advantages
 ‘ of liberty and of the Protestant religion; and have
 ‘ in abhorrence the misery and slavery inseparable
 ‘ from Popery and a Popish government:

‘ We will stand by your Majesty, and effectually
 ‘ support your government, at the hazard and ex-
 ‘ pence of our lives and fortunes.

‘ We will maintain and defend your Majesty’s
 ‘ rightful and lawful title to the crown of these realms,
 ‘ and endeavour to transmit to latest posterity, this
 ‘ happy, free and ancient constitution.

To this address the King returned the following
 most gracious answer:

Gentlemen,

‘ **I** Return you my thanks for this dutiful and loyal
 ‘ address: It is agreeable to the many instances
 ‘ of zeal and affection to Me, which you have upon
 ‘ every occasion expressed. The just resentment and
 ‘ indignation you have shewn against this conspiracy
 ‘ will, I doubt not, give intire satisfaction to all that
 ‘ sincerely wish well to the present establishment, en-
 ‘ courage the friends to my government, and deter
 ‘ the enemies of our common peace from renewing
 ‘ these rash and desperate attempts,

The King’s
 answer.

On *Friday* the 15th of *March*, Mr. *Controller*
 having acquainted the house, that, pursuant to their
 address, his Majesty had been pleased to give leave,
 that the letters and papers relating to the conspiracy
 might

Conference
between
both houses
about the
papers rela-
ting to the
conspiracy.
Mr. *Pulte-
ney's* speech
on that oc-
casion.

might be communicated to the Lords, the same was *ordered* accordingly, and that the Lords be acquainted, that the Commons desired that the said papers might be returned to them from time to time, as should be found necessary for the proceedings of their house. Pursuant to this and a former order, a conference being desired, by the Commons, and agreed to by the Lords, Mr. *Pulteney*, chairman of the committee appointed to be managers for the Commons, acquainted their Lordships, ‘ That the Com-
‘ mons upon consideration of a report from a com-
‘ mittee of their own members, appointed to exa-
‘ mine *Christopher Layer*, and others, as also several
‘ original papers and letters (upon their humble ap-
‘ plication to his Majesty) laid before them, being
‘ intirely satisfied, That a detestable and horrid con-
‘ spiracy has been formed and carried on by persons
‘ of figure and distinction, for deposing his Maje-
‘ sty, and placing a *Popish* Pretender on the throne,
‘ and being fully convinced, that several treasonable
‘ correspondences have been entered into by the said
‘ traytors, for soliciting a foreign force to invade these
‘ kingdoms; and that endeavours have, at the same
‘ time, been used by them for raising insurrections,
‘ and inciting a rebellion at home; and the Commons
‘ finding with horror and astonishment, that some
‘ of the conspirators had arrived to such a height of
‘ wickedness, as to engage in a villainous and exe-
‘ crable design of laying violent hands on his Maje-
‘ sty’s most sacred person, were thoroughly sensible,
‘ that nothing could so effectually contribute to the
‘ safety of his Majesty, and the preservation of our
‘ present happy establishment in church and state, as
‘ a perfect unanimity between the two houses of Par-
‘ liament, and had therefore desired this conference
‘ to communicate the said report to their Lordships,
‘ together with original papers and examinations
‘ referred to therein,

‘ And

‘ And as it might be necessary to the Commons
 ‘ in their farther proceedings, to have recourse, from
 ‘ time to time, to the said original papers and exa-
 ‘ minations, they did desire that upon application to
 ‘ be made to their Lordships, the same might be re-
 ‘ turned to them. Concluding, that the Commons
 ‘ did not doubt but that the same zeal which actuated
 ‘ them, would likewise animate their Lordships in
 ‘ the vigorous prosecution of these wicked conspira-
 ‘ tors, ’till they were brought to exemplary justice,
 ‘ and until the united resentments of both houses of
 ‘ Parliament should convince the whole world of the
 ‘ danger there is for the most subtle traytors to at-
 ‘ tempt the subversion of this government, or endea-
 ‘ vour to deprive a free and happy people, of the
 ‘ blessing of his Majesty’s reign, and the succession
 ‘ of his royal family, upon which their religion, laws,
 ‘ and liberties intirely depend.

Having done speaking, Mr. *Pulteney* communi-
 cated the report abovementioned to the Lords, and
 left the same together with a trunk locked up, con-
 taining the original papers, letters and examinations.
 The managers being returned to their respective hou-
 ses, the Lord President reported to the Lords the
 subject matters of the conference, whereupon their
 Lordships ordered,

‘ 1st, That the said report and original papers be
 ‘ referred to a committee of nine Lords to be chosen
 ‘ by way of balloting the next day, and that the said
 ‘ trunk and key be delivered to the Lord Chancellor,
 ‘ till the same be disposed of by order of the house.
 ‘ 2^{dly}, That the managers of the conference be a
 ‘ committee to prepare what might be fit to be of-
 ‘ fered to the Commons, by way of answer to so
 ‘ much of what was delivered to them, at the said
 ‘ conference, relating to the said original papers.

The Lords
 chuse a se-
 cret commit-
 tee of nine to
 inquire into
 the plot.

Accordingly, on *Saturday* the 16th of *March*, the Lords proceeded, by way of ballot, to the choice of nine Peers to be a committee to inquire into the horrid and detestable conspiracy, and upon a scrutiny, the following list was carried by a vast majority, viz.

Their graces the	{	<i>Dorset.</i>
Dukes of	{	<i>Montrose.</i>
The Earls of	{	<i>Sarborough,</i>
	{	<i>Lincoln,</i>
	{	<i>Ilay,</i>
The Lords	{	<i>Lonsdale,</i>
	{	<i>Torrington,</i>
The Bishops of	{	<i>Lincoln,</i>
	{	<i>Salisbury.</i>

On *Monday* the 18th of *March*, the Lords desired a conference with the Commons, which being readily agreed to, the managers for their Lordships acquainted the Commons, That the original papers communicated to them, should according to the desire of the Commons, be returned to them, as occasion required.

The Bishop
of *Rocheſter*'s
letter to the
Speaker.

His tryal.

The Bishop of *Rocheſter*'s tryal being to come on the 4th of *April*, he ſent that morning a letter to Mr. *Speaker*, which his Lordſhip deſired might be communicated to the houſe; and, accordingly, Mr. *Speaker* read the ſaid Letter, containing in ſubſtance,
 ‘ That his Lordſhip, (tho’ conſcious of his own innocence) did, on ſeveral accounts, decline giving
 ‘ that houſe any trouble that day, and contented himſelf with the opportunity, (if the bill went on) of
 ‘ making his defence before another, of which he
 ‘ had the honour to be a member.’ Notwithſtanding this diſappointment, the Commons proceeded in that affair, and the counſel for the bill being called in, and the bill read, the counſel opened the evidence,

vidence, and produced a scheme, taken among Mr. *Layer's* papers, which was read; as were also several copies of letters stopped at the post-office. Then the counsel examined several witnesses, to make good the allegations of the bill; produced several papers taken at his Lordship's houses at *Westminster* and *Bromley*; as also a packet taken on one of his Lordship's servants at the *Tower of London*; and examined two witnesses, one to prove, that a letter and paper contained in the said packet were his Lordship's hand-writing, and the other to prove, that a letter directed to Mr. *Dubois*, taken among his Lordship's papers at the Deanry at *Westminster*, was sealed with the same seal that the letter taken on his Lordship's servant at the *Tower*, was sealed. Then the counsel summed up the evidence, and being withdrawn, Mr. *Speaker* opened the bill, which was committed to a grand committee for the next day: After which the call of the house was farther adjourned to that day sevensnight.

On *Friday*, the 5th of *April*, the bill for inflicting certain pains and penalties upon George Kelly, alias Johnson, with the amendments made thereto, was ordered to be ingrossed, and then the ingrossed bill for punishing *Plunket*, was read the third time. And the question being put that the bill do pass, the same was strenuously opposed by Sir *William Wyndham*, who was seconded by Mr. *Shippen* and Mr. *Kettleby*; but being answered by Mr. *Chancellor of the Exchequer*, and the *Master of the Rolls*, the question was carried in the affirmative by a majority of 250 voices against 72. Hereupon the said bill was ordered to be carried up to the Lords, and it was also ordered, That the several original papers, letters and examinations, which were returned to the Commons, be delivered back to the Lords at a conference, which was done accordingly.

Bill against
Plunket sent
up to the
Lords.

Debate about the Bishop of Rochester's punishment.

The next day, the bill for punishing *George Kelly*, alias *Johnson*, was read the third time, passed and sent up to the Lords; and then the Commons went into a grand committee upon the *bill for inflicting certain pains and penalties upon Francis Lord Bishop of Rochester*. The leading men among the tories, seeing they were overpowered by numbers, chose to go out of the house, so that only Mr. *Lawson*, Mr. *Oglethorpe*, and two or three more staid in, to speak in the Bishop's behalf. When they came to the filling up the blank for pains and penalties, the court party moved, That he should be deprived of his office and benefice, banished the kingdom, be guilty of felony if he returned, and that it should not be in the King's power to pardon him without consent of Parliament; but without forfeiture of goods and chattels. Hereupon Mr. *Lawson* represented, that the evidence against the Bishop being all either hear-say, or conjecture, and therefore not to be depended upon, he ought to have no punishment at all. Mr. *Oglethorpe* was of the same opinion, but gave it another turn, He said, ' It was plain the *Pretender* had none but a company of silly fellows about him; and it was to be feared, That if the Bishop, who was allowed to be a man of great parts, should be banished, he might be solicited and tempted to go to *Rome*, and there be in a capacity to do more mischief by his advice, than if he was suffered to stay in *England*, under the watchful eye of those in power.' But, when the question was put it was carried without any division.

The Committee of the Lords, appointed to inquire into the conspiracy, having deliver'd in their report to the house, on the 23d of *April*; the house of Peers took the said report into consideration the next day, and the said report being read, it was resolved by the Lords spiritual and temporal in Parliament assembled, ' That this house is fully satisfied and convinced,

‘ convinced, that a detestable and wicked conspira-
 ‘ cy has been formed and carried on, for soliciting a
 ‘ foreign force to invade these kingdoms, for raising a
 ‘ rebellion, and inciting insurrection in *London*, and
 ‘ divers other parts of *Great Britain*, and even for
 ‘ laying violent hands on the sacred person of his
 ‘ Majesty, and on his Royal Highness the Prince
 ‘ of *Wales*, in order to destroy our religion and
 ‘ happy constitution, by placing a Popish Preten-
 ‘ der on the Throne.

After this it was *Ordered*, ‘ That the thanks of
 ‘ this house be given, by the Lord Chancellor,
 ‘ to the said Lords Committees, for their having
 ‘ discharged the trust in them reposed, with great
 ‘ exactness, care, fidelity, and candour.’ Thereupon,

The Lord Chancellor addressing himself to the
 Lords of the said Committee, (*viz.* Duke of *Mon-*
trose, Duke of *Dorset*, Earl of *Lincoln*, Earl of
Scarborough, Earl of *Islay*, Lord Viscount *Lonsdale*,
 Lord Viscount *Torrington*, Lord Bishop of *Sarum*,
 Lord Bishop of *Lincoln*) gave them the thanks of
 the house in the following words :

My Lords who were of the Committee,

I *Am commanded by the house to give your Lordships
 the thanks of this house, for your having discharged
 the trust reposed in you, with great exactness, care, fi-
 delity, and candour.*

My Lords,

*The trust was as great as ever was reposed by this
 house in any of its members. The subject matter of your
 inquiry, a conspiracy the most dangerous as well as de-
 testable, big with mischiefs of all kinds, and destructive
 of every thing that is valuable among us ; carried on
 and managed in a new devised method, with the ut-
 most cunning as well as wickedness, and covered with
 all the disguises the most artful dexterity could contrive ;
 and*

and which therefore required the greatest penetration and skill to lay open. And the papers, some of them of such a nature, that it was thought fit to refer them to your Lordships, locked up as they were without reading them in the house.

My Lords,

Your Lordships have fully answered the expectations the house entertained, when they pitched upon you for this trust.

Your application in going thro' so many papers of affected and studied obscurity; your candour and exactness in examining the persons concerned, or any way capable of giving any satisfaction, and in representing what they said; the accuracy and judgment of your remarks; the light you have so happily given to several passages in the report of the Committee of the Commons, which tho' in themselves just, were yet liable to cavils, by such as were loath to have the truth found out, give, I dare say, a sensible pleasure to every Lord here, that has heard your report read, and finds himself thereby enabled to form a judgment with so intire satisfaction to himself, concerning this abominable work of darkness, which the actors have endeavoured to surround with impenetrable obscurity.

This noble pleasure, of seeing the truth, notwithstanding so many contrivances to hide it, and of being thereby enabled to come to right resolutions in a matter of such importance, has very naturally and agreeably broke out into so unanimous a resolution of returning the thanks of this house to your Lordships, to whom they so much owe it. And in obedience to their commands, I do, with particular pleasure, give your Lordships the thanks of this house, for your having discharged the trust in your Lordships reposed, with great exactness, care, fidelity, and candour.

On Saturday, the 9th of March, the Earl of Strafford, the Lord Hay, (Earl of Kinoule in Scotland)

Scotland) complained to the house, that in the deposition of one *Pancier*, in the printed report of the house of Commons, appointed to examine Mr. *Laver*, and others, it is mentioned, that one *Skeene*, told him, that the Lord *Strafford*, and Lord *Kinoule*, were privy to designs against the government: Whereupon it was moved, that the said *Pancier* and *Skeene* might be required to appear immediately at the bar of this house, in order to their being examined, and after some debate, the question being put upon the said motion, it was carried in the negative, by a majority of 64 voices against 29. Hereupon twenty four Peers entered the following protest, viz.

Complaint
about *Pan-*
cier's depok-
tion.

Dissentient.

I. **B**Ecause the Earl of *Kinoule* and the Earl of *Strafford* having severally complained to the house, that they found themselves reflected on in a printed deposition of one *Andrew Pancier*, wherein he deposed, That one *Skeene* (now in custody) had acquainted him, among other things, that the said Earls knew of the late conspiracy, and were concerned in the management of it here; and the said Earls alledging, that they did not see by the report, in which that deposition is found, that the said *Skeene*, tho' in the hands of the government, had been so much as questioned touching the said hearsay; which observation we find to be true, but we think it highly reasonable to have complied with the motion and request of the said Lords, that the said *Pancier* and *Skeene* might be examined at the bar of this house in relation to that matter only; the like request for the clearing the reputation of any noble Lord, when he hath thought himself unjustly aspersed, having never been denied, that we know of, but on the contrary it was not long since granted in the case of the late Earl of *Sunderland*, tho' the examination, which he thought reflected on his honour, was not come
into

into print when he made his complaint, which, according to our judgment, was not so strong a case for granting the motion as the present is.

2. Because the said deposition, as far as it is printed, contains nothing but what the deponent heard another say (except as it contains a charge on *Skeene* for saying) we think it was very natural and proper as well for the advancement of justice, as for the vindication of the noble Lords requesting it, to trace the said hearsay, if possibly, to the fountain-head, or, at least, so far as to know from the person charged with relating it, whether he would deny his having related it; or, if not, whether he would confess the falsity of what he had so related, or undertake to make it good by his own testimony, or otherwise.

3. We think there could be no inconvenience in examining, as moved, to find whether there was any, and what foundation for this hearsay, it not being an anticipation of the course of justice (as examining a part of the evidence against any man, or part of an accusation would be) since the swearing of what one man said of a third person is in no sort evidence, either in law or reason, to support a conviction, or even to ground an accusation upon any man whatsoever.

4. Since mere hearsay, being no evidence in the least degree, cannot be made a foundation for any legal proceeding, it is impossible for any noble Lord, whose honour may be affected by it, to clear himself in any tryal, or other like opportunity that can be given him to make his defence: And therefore since there is no other method, that we can think of, so proper or effectual, in our opinion, as the examination of the nature of that moved for, we think it ought to have been ordered, and that every noble
Lord

Lord may possibly, in time, be hurt by the consequence of this precedent.

5. We cannot think, that the examining, as moved for, into this hearsay only, could have made any difference with the other house, since it is inconceivable by us, that any number of gentlemen, who may have by accident (for we hope it is no otherwise) in setting forth the deposition of *Pancier* as a charge against *Skeene*, happened to asperse the reputation of some of the Peers of the realm, could resent, either that these Lords should desire, or the house permit them clear themselves as soon, and as effectually as possible, of that hearsay.

Strafford,
Hay,
Scarsdale,
Cowper,
F. Cestrien.
Uxbridge,
Willoughby de Br.
Osborn,

Anglesey,
Craven,
Aylesford,
Foley,
Bristol,
Guilford,
Arundel,
Berkeley de Str.

Poulet,
Weston,
Litchfield,
Bathurst,
Bruce,
Exeter,
Compton,
Bingley.

The Earl *Cowper* also made a long speech in the house of Peers, wherein he complained of ‘ the
‘ small regard that had been shewn to divers mem-
‘ bers of that illustrious and noble assembly, whose
‘ honour and reputation had been attacked, by be-
‘ ing mentioned in the report from the secret Committee
‘ of the house of Commons, being represented, upon
‘ meer hearsay, as privy to treasonable designs against
‘ the government. That for his own part, as the late
‘ Queen *Anne*, of glorious and immortal memory,
‘ had thought fit to raise him to the dignity of a Peer,
‘ how unworthy soever he was of that honour, he
‘ thought it a duty incumbent upon him, to defend
‘ the rights and privileges of the Peerage of *England*,
‘ which they held by the fundamental laws of the
‘ land,

The Earl
Cowper's
complaint to
the house of
Peers.

land, and were confirmed to them by *Magna Charta*. That after having, on so many occasions, and in the most difficult times, given undoubted proofs of his hearty zeal and affection for the Protestant succession, and of his attachment to his Majesty's person and government, he had just reason to be offended, to see his name bandied about in a list of a *chimerical club* of disaffected persons, printed in the said report, on the bare hearsay, of an infamous person, notoriously guilty of prevarication; and who, in the opinion even of the secret Committee, *in order to magnify the number of the Pretender's friends, did, in several lists, insert the names of persons as well affected to the Pretender's service, without having the least authority for so doing*: Which alone was sufficient to give an air of fiction to the whole conspiracy,' And, in the conclusion, his Lordship moved, 'That *John Plunket*, (of whom *Laver* pretended he had the list of the *Burford Club*, mentioned in the said report) be immediately sent for to the bar of the house to be examined.' This motion was seconded: but the Lord Viscount *Townshend* said thereupon, 'He was extreme sorry to find his Lordship should lay so much stress, and so highly resent, his being mentioned in the report; that his Lordship's name, with several others, being part of an examination, it was absolutely necessary it should be mentioned; that at the same time, the Committee had declared, they were intirely satisfied of his Lordship's innocence, so that his Lordship's reputation could not have suffered upon that account. But, that on the other hand, he was much surprized to find, that a noble Peer, whose abilities and merit had justly so great weight in that illustrious assembly, should, upon a trivial circumstance, ridicule as a fiction, a horrid and execrable conspiracy, supported by so many concurring proofs as amounted to a demonstration;

and

‘ and from a false, trifling particular, infer, that no
‘ part of it was true.’ The Lord *Batburst* answered
the Lord *Townshend*, and was supported by the
Lord *Craven*, the Earl of *Kinoule*, and the other
Lords named in the list of the exploded *Burford*
Club, who all protested their own innocence, not
without some flaunting reflections on the plot, ‘ as
‘ if the main drift of it was a base contrivance of
‘ their enemies, to blast their honours and reputati-
‘ ons; and to render the best patriots useless to their
‘ country, by making them obnoxious.’ The
Earl of *Strafford*, having express’d his just resent-
ment with more warmth than the rest, a military
Peer said thereupon, ‘ That for his own part, tho’
‘ his name was often mentioned in the report, he
‘ never troubled himself about it: But, in his opini-
‘ on, there was reason to believe *some people were*
‘ *sore, when they winched so much at the least touch.*’
The Earl of *Strafford* repelled this reflection, with a
great deal of vivacity, and said, *He was as whole*
and sound as any in that illustrious assembly; but as he
had the honour to have more ancient noble blood running
in his veins, than some others, so, he hoped, he might
be allowed to express a more than ordinary resentment
against insults offered to the Peerage. Some mem-
bers apprehending the issue of this warm debate,
called for the question, which being put upon the
Earl *Cowper*’s motion, was carried in the negative
by 81 voices against 26. Then the Duke of *Dorset*,
Chairman of the secret Committee of the house of
Peers, moved, That the said Committee might
have leave to examine Mr. *Layer*, as to some ma-
terial things, relating to the conspiracy, absolutely
necessary for them to be satisfied in; but tho’ this
motion was opposed by the Earl *Cowper*, and some
others, yet it was carried without a division; and,
the next day (*March 22d.*) the Lords Committees
went to the *Tower*, to examine Mr. *Layer*.

On *Saturday* the 23d of *March*, the usual protesting Lords entered their protest against the resolution of the house, relating to sending for *Plunket*, to be examined at the bar of the house; and for reasons, referred to those in the protest of *March* 9th, relating to the sending for *Pancier* and *Skeene* to be examined.

Debate about the Bishop of Rochester's petition.

On the 29th of *March*, a petition of *Francis* Lord Bishop of *Rocheſter*, was by the Lord *Bathurst*, presented to the house of Peers and read, suggesting, ‘ That a bill was depending in the
 ‘ house of Commons for inflicting pains and penalties on him, for supposed crimes, of which
 ‘ he was intirely innocent, and as he had the honour to be a member of the house of Lords, so
 ‘ he prayed their directions, as to his conduct, in
 ‘ respect of a standing order, prohibiting, on a
 ‘ penalty, any Lord to appear by counsel before
 ‘ the house of Commons, to answer any accusation there.’ The Lord *Leckmere*, the Earls *Cowper* and *Strafford*, the Lords *Trevor*, *Bathurst*, and some others, moved, and insisted, *That the said Bishop, being a Lord of Parliament, ought not to answer, or make his defence by counsel, or otherwise, in the house of Commons, to any bill or accusation there depending*; urging, that the house of Peers being the highest court of judicature, no other court ought to intrench upon their privileges. But the Lord Chancellor, the Lords *Cartaret* and *Townshend*, the Dukes of *Wharton* and *Argyle*, the Earls of *Peterborough* and *Coningsby*, and the Lord Viscount *Harcourt*, alledged, ‘ That,
 ‘ in this affair, the Commons did not act as a
 ‘ court of judicature, but as part of the legislature;
 ‘ of which they were as much a part, and to
 ‘ which they had as much right as the Lords themselves.’ The Duke of *Wharton* added,
 ‘ That

‘ That the matter before them needed no great de-
 ‘ bate: For the Bishop having already applied to
 ‘ the house of Commons, in a letter to their Speak-
 ‘ er, for counsel to be assigned him, it was pre-
 ‘ posterous now for him to pray the Lords, not
 ‘ to give him leave to be heard before the house
 ‘ of Commons, which was the drift of his petiti-
 ‘ on.’ Hereupon the question being put upon the
 motion, it was resolved in the negative, by 78
 voices against 32. Then a second question was put,
 that this house give leave to the Lord Bishop of
Rocheſter to be heard in the house of Commons,
 by counsel, or otherwise if he thought fit, and
 that he have notice sent him, that this house con-
 ſented thereto, it was carried in the affirmative by
 77 voices against 27. Whereupon ſeveral Lords
 entered the following proteſtation.

Dissentient

1st, **B**Ecauſe we conceive the permitting the
 Lord Biſhop of *Rocheſter* to make his
 defence in the houſe of Commons, would be di-
 rectly contrary to the words and meaning of the
 ſtanding order of the houſe, bearing date the 20th
 of *January* 1673. which expreſſy and clearly or-
 ders, *That for the future no Lord* (which extends
 to Lords Spiritual as well as Temporal) *ſhall go*
down to the houſe of Commons, or ſend his answer
in writing, or appear by counsel to answer any ac-
cusation there: And it is obſervable, that this order
 is worded abſolutely, and not qualified by the
 words (*without leave of the houſe*) as the following
 ſtanding order of the 25th of *November* 1696.
 which prohibits Lords from going into the houſe
 of Commons while the houſe is ſitting, is quali-
 ſied. From which different penning, as well as
 from the preamble of the ſaid firſt mentioned or-
 der (which ſhews the miſchief deſigned to be pre-
 vented, was the giving leave in caſes of Lords
 deſiring

A proteſt a-
 gainſt giving
 leave to the
 Biſhop of
Rocheſter to
 make his de-
 fence before
 the houſe of
 Commons.

desiring it, to appear or answer accusations in the house of Commons) we infer, that the said order of *Jan.* 1673. was meant as a rule for all future times, that if leave should be asked by a Lord of Parliament to answer, or make a defence to an accusation (in any form, as we conceive) in the house of Commons, it ought to be denied, as deeply intrenching on the privileges of this house.

2dly, The said standing order, in affirmance of which the question was moved, ought to be of the greater weight in our opinions, it having been founded on the consideration and report of a Committee (to whom it was particularly referred to consider the practice of Lords desiring leave to answer accusations in the house of Commons) on the perusal of precedents in that Committee, and upon consideration and perusal of the same precedents in the house itself.

3dly, We cannot apprehend, but that a bill by which crimes are charged, and a preparation is made to inflict pains and penalties (if the crimes are proved) contains very clearly an accusation, especially when a day is given and counsel allowed by the house of Commons to the person against whom the crimes are alledged to make a defence to the same; which proceeding, tho' in the legislative capacity of that house, carries in it all the essential parts of a judicial trial: And we therefore conceive, that this house ought to be more jealous of their members answering in the house of Commons, an accusation in this form, rather than in any other, since thereby they submit themselves to try the point of their being guilty, or not guilty, in the house of Commons, and that in order to receive the sentence and judgment of that house, by passing or rejecting the bill. And this, in our opinions, more deeply intrenches (as the

the standing order expreffeth it) on the privileges of this house, than a Lord going down to the house of Commons during a debate there, to prevent an impeachment, doth ; the latter being only to prevent an accusation, but the former is (as we clearly conceive) to answer an accusation there, the very thing prohibited by the standing order.

4thly, We think the accusation, which Lords are prohibited to answer by this standing order, must be chiefly, if not only, understood of an accusation couched in a bill (as in the present case) since we never heard that any Lord of Parliament did, at any time, answer to, or defend in person, or by counsel, an impeachment in the house of Commons, tho' they may have gone down to that house, by connivance, to prevent such impeachment: And therefore Lords defending themselves in the house of Commons against an impeachment, could not be the mischief intended to be cured by the said standing order.

5thly, That the house of Commons, on bills to inflict penalties, do proceed, strictly speaking, in their legislative capacity, is certainly true ; and yet it is plain to us, that, in reality, they partake in such cases with the house of Lords in the judicature ; or, which is all one, in trying and adjudging offenders to punishment ; and tho' the Lords should, in very extraordinary cases, think fit to concur in such a method of punishing ; yet it is, in our opinions, going by much too far, for the Lords to permit any of their body to make defence in the house of Commons, either by himself or counsel ; which is letting themselves down to a very good degree, and giving an unnecessary encouragement to that manner of proceeding : And when Lords have so far submitted to this course, we think there is little reason to expect, that af-

towards the Commons will ever appear at the Lords bar as accusers, when they can by this way make themselves as much judges, even over Lords, as in this proceeding by bill, the Lords themselves are.

6thly, Tho' Lords, by not being permitted to appear either in person, or by counsel, to defend themselves in the house of Commons, may be thought possibly to lose some advantage in their defence; yet we think it was, and is the true meaning of the standing order first mentioned, that a Lord should rather suffer something of inconvenience in that particular, and commit his cause to God and the justice of the house of which he is a member, and who are his proper judges, than in any degree debase or derogate from the legal state and dignity of the Lords in general.

7thly, Altho' there be, as we conceive, a very manifest and important difference in reason, as to the matter of this question, between the case of Bishops (who are declared by the standing order of *May 23, 1628*, to be only Lords of Parliament, and not Peers, for they are not of trial by nobility) and that of Peers of the realm, who undoubtedly, for matters of treason and felony, are triable by their Peers only: Yet since, by the standing order first mentioned, Bishops are as much, and as clearly prohibited to answer any accusation in the house of Commons, as the Peers, or the Lords Temporal are, we cannot but apprehend, with the deepest concern, that this case may be used hereafter as a precedent (tho', as we take it, far from being a precedent in point) to bring by degrees, the Peers of the realm to defend themselves against accusations of the like nature in the house of Commons; which, if once brought to a practice, we are of opinion, that the Peers of the realm

realm would, in great measure, be degraded from their peerage, and so, by weakening and debasing the order of nobility, which, in its institution, was meant, or at least hath proved, a lustre and security to the crown, the safety, as well as dignity of the crown itself, may be hereafter in a great degree impaired.

<i>Scarsdale,</i>	<i>Compton,</i>	<i>Litchfield,</i>
<i>Gower,</i>	<i>Arundel,</i>	<i>Weston,</i>
<i>Trevor,</i>	<i>Strafford,</i>	<i>Guilford,</i>
<i>Bruce,</i>	<i>Bingley,</i>	<i>Poulet,</i>
<i>Ashburnham,</i>	<i>Dartmouth,</i>	<i>Hay,</i>
<i>Foley,</i>	<i>Cowper,</i>	<i>Uxbridge,</i>
<i>Aylesford,</i>	<i>Bathurst,</i>	<i>Montjoy.</i>

On *Friday* the 5th of *April*, a petition of the Lord Bishop of *Rockester* was presented and read, complaining, ‘ That Colonel *Williamson*, assisted
‘ by persons under his authority, did, by violence, search the petitioner and carry away two
‘ seals, and also seized a paper in his pocket, being
‘ a letter to his solicitor, which he took again from
‘ them and tore, but they carried a part of it along
‘ with them, and did also search the petitioner’s
‘ two servants and took away a seal from one of
‘ them : And praying relief and protection.’

And thereupon a motion was made, ‘ That
‘ Col. *Williamson*, the Deputy Lieutenant of the
‘ *Tower*, Mr. *Serjeant*, the Gentleman Porter, the
‘ two Wardens who attended the Colonel yesterday in the apartment of the Bishop, and the
‘ two servants attending his Lordship there, do attend at the bar of this house to give an account
‘ of the matters contained in the said petition.’

The Earls *Cowper* and *Strafford*, the Lords *Lechmere* and *Bathurst*, spoke for this motion ; but were answered by the Lords *Townshend*, *Carteret*, and *Harcourt* ; and the question being put

thereupon, it was carried in the negative by a majority of 52 voices against 24, upon which several Lords entered the following protest.

Dissentient.

1. **B**Ecause the petitioner, as a Lord of Parliament, and member of this house, tho' no Peer of the realm, hath an unquestionable right, under all circumstances, to the justice and protection of this house, against any persons whatsoever, who, during the sitting of Parliament, commit any act of violence to his person or property, which this house may judge to be a breach of his privilege: And therefore, as we conceive the facts alledged in the petition, if the same are true, and no account given of them by the persons concerned, to the satisfaction of this house, are an unwarrantable attempt upon a member of this house: We think, that in justice to the petitioner, and to the honour and privileges of this house, there ought to have been an immediate and impartial examination by this house, of the persons concerned; we finding no instance on the journals of this house, where any member of the house has complained, by petition, or otherwise, of the least violence or injury to his person, during the time of privilege, whereon this house hath not ordered an examination of the facts complained of.

2. Because it appears to us, that the petitioner being under imprisonment, and a bill depending against him in the house of Commons, that house having allowed him the benefit of counsel and solicitors for making his defence, were proceeding against the petitioner on that bill, in all probability, at the very time the matters complained of were transacted: And as that bill may soon come under the consideration and judgment of this house, the seizing the petitioner's letter to his solicitor,

licitor, or any thing that may concern his defence, we are of opinion, ought to be examined into, it being, as we conceive, against the rules of natural justice, the laws of all nations, and the known and fundamental laws of this realm, that any papers, or other things, in the lawful possession of the person so accused, and which may relate to his defence, should be forcibly wrested from him, and that any person, more especially a Lord of Parliament, being under imprisonment and accusation for high treason, should, by terror, or other violence be, without just cause, in any degree, disturbed in, or disabled from making his defence.

3. Because the refusing to enter into the examination of the matters complained of by the petition, may in our opinions, be construed to be a justification of the proceedings therein alledged, even tho' there was not a reasonable occasion for the same; and it being suggested in the petition, that the Deputy Lieutenant of the *Tower* did affirm to the petitioner upon his salvation, that he had a verbal order from the ministry, tho' he refused to say from whom, and not pretending that what he did was by his own authority; we are of opinion, that it was of the greatest consequence to the honour of his Majesty's government, that this house should have examined into this proceeding; and the rather, because we conceive it to be of the highest importance to the free and impartial administration of justice, that this house should, on all occasions discountenance all appearances of force, especially on a Lord of Parliament imprisoned and accused of high treason.

4. Because we think, that if an unjustifiable violence be offered to the person or privilege of any member of this house, and not examined into, it may prove an encouragement to commit the like,
if

if not farther abuses, on any other member of this house in future times.

Strafford,
Batburst,
Lechmere,
Weston,
Bingley,

Cowper,
Hay.
Poulet,
Asburnham,
Bruce,

Scarsdale,
Guilford,
Foley,
Litchfield,
Montjoy.

The Lords having put of the second reading of the *bill, for inflicting pains and penalties on John Plunket, to the 26th of April*, and ordered that the said *Plunket*, should then be brought to the bar of their house, to make his defence, the Lord *Lechmere* did, on *Wednesday the 10th of April*, represent to the house, ‘ That a state messenger’s house where *Plunket* was in custody, ‘ was not a legal prison;’ and that it would be derogatory to the dignity of that house, to direct their warrants for bringing the prisoner to their bar, to a messenger who was not a legal officer. Wherefore he moved, to address his Majesty, that the said *Plunket* be moved to the *Tower of London*, or some other legal prison. This motion was seconded by the Earl *Cowper*, but was opposed by the Lords *Townshend* and *Carteret*, who alledged, that such an address would imply distrust of his Majesty’s ministers; and that a *Plunket* being in a messenger’s house, guarded at sight by a Captain and centries at the door, was in safer custody than if he was in a common goal: So that the question being put upon the said motion, it was carried in the negative by 58 voices against 16. Hereupon the dissenting Lords entered their protest; which had such weight with the ministers themselves, that the very next day, (*April 11th*) *Plunket* was committed prisoner to the *Tower of London*, and lodged in the house of Mr. *Bradbury*, one of the warders.

The

The Lords, having adjourned for some time, by reason of the *Easter* holy-days, and being met again on *Monday*, the 22d of *April* a petition of Mr. *George Kelly*, was presented to the house and read, praying, that he might have longer time allowed him to prepare for his defence, and bringing up his witnesses: But the said petition was rejected.

On *Friday* the 26th of *April*, Mr. *Plunket* was brought to the bar of the house of Lords, where he had the assistance of a solicitor only, and objected to the second reading of the *bill for inflicting pains and penalties on him*, in that house, alledging, that he had never been heard against the said bill in the house of Commons; but this objection was over-ruled, and the Lord Chancellor acquainted him, this was not the proper time to object to the bill. Then Mr. *Reeves* and Mr. *Werge*, were heard for the bill, who opened the evidence, and produced extracts of several original letters from abroad relating to the conspiracy, to prove the first part of the preamble of the bill. Hereupon Mr. *Plunket* said, ‘ That if this bill affected none but himself, he would be unconcerned about it, and give their Lordships no trouble, well knowing he was too inconsiderable to merit the attention of so noble an assembly, and being besides advanced in years, he little cared whether he was to pass the remainder of his days in the wide world, or in a prison: But that he opposed this bill for the good of the whole nation, whose liberties and properties would become precarious, if such an unpredecended bill, unsupported by any legal proof, should pass into a law; And as the Peers of the realm, were no less concerned than the Commoners in this extraordinary proceeding, he doubted not, but their Lordships would, with their usual wisdom and equity, maturely weigh the ill consequences of it; and in the first place, he

Mr *Plunket's* trial.

‘ begged

‘ begged their Lordships to consider, whether extracts of intercepted letters, some of them from anonymous and unknown persons, should be admitted to be read as evidence.’

Mr. *Plunket*, the counsel for the bill, and all other strangers being withdrawn, the Lord Viscount *Townshend* opened the debate, ‘ and endeavoured to justify the Commons proceeding in this extraordinary manner, and to shew that the conspiracy in general, and *Plunket*’s share in it, in particular, were made out by as strong and as convincing proofs, as could be expected in a case of this nature, where the conspirators had used all sort of art and industry to conceal the true names of the persons concerned, in order to avoid the danger of legal conviction.’ His Lordship was supported by the Duke of *Argyle*, the Earls of *Peterborough* and *Corningsby*, the Lord *Carteret*, and some other courtiers; who were answered by the Earls *Cowper*, *Strafford*, and *Anglesey*, and the Lords *Bathurst*, *Bingley*, *Trevor*, and *Leckmere*, and after a debate that lasted till about three in the afternoon, it was moved, ‘ That the opinion of the judges be asked, whether extracts out of letters written by the King’s ministers abroad, and others, to the secretaries of state here, attested by the secretary of state, and examined by the Lords of the committee, and found to agree with the originals, which originals are yet extant and remain in the hands of the secretaries of state, but contain particulars which ’tis not consistent with the safety of the public to divulge, as hath been affirmed to this house by two secretaries of state, and the Lords committees, offered to be produced, to prove the first part of the preamble of the bill; which recites a detestable conspiracy for the purposes in the bill, could be allowed to be read as evidence in the courts below, in any prosecution against *Plunket*.’

And

And a question being stated thereupon and put, it was resolved in the negative; upon which several Lords entered their Dissent, *viz.*

<i>Cardigan,</i>	<i>Lechmere,</i>	<i>Batburst,</i>
<i>Anglesey,</i>	<i>Uxbridge,</i>	<i>Foley,</i>
<i>Guilford,</i>	<i>Poulet,</i>	<i>Compton,</i>
<i>Scarsdale,</i>	<i>Litchfield,</i>	<i>Weston,</i>
<i>Bruce,</i>	<i>F. Cestriens,</i>	<i>Willoughby de Br.</i>
<i>Craven,</i>	<i>Brook,</i>	<i>Dartmouth,</i>
<i>Aylesford,</i>	<i>Exeter,</i>	<i>Masbam.</i>
<i>Gower,</i>	<i>Berkeley de Str.</i>	

Then a motion was made and the question put, whether the said extracts should be read in proof of the allegations of the preamble of the said bill.

And it being resolved in the affirmative by a majority of 91 voices against 29, several Lords entered their protests, *viz.*

<i>Strafford,</i>	<i>Lechmere,</i>	<i>Weston,</i>
<i>Scarsdale,</i>	<i>Fr. Cestrien.</i>	<i>Gower,</i>
<i>Craven,</i>	<i>Berkeley de Str.</i>	<i>Compton,</i>
<i>Aylesford,</i>	<i>Batburst,</i>	<i>Brook,</i>
<i>Bruce,</i>	<i>Anglesey,</i>	<i>Masbam,</i>
<i>Cardigan,</i>	<i>Litchfield,</i>	<i>Dartmouth,</i>
<i>Uxbridge,</i>	<i>Foley,</i>	<i>Willoughby de Br.</i>
<i>Poulet,</i>	<i>Guilford,</i>	<i>Exeter.</i>

Then Mr. *Plunket* and the counsel being called in, the latter proceeded to prove the conspiracy, in general; and, for that purpose, caused several letters, and extracts out of letters received from abroad to be read. In the next place they offered to read *Neynoe's* examinations and confessions before a committee of Lords of the privy-council, but *Plunket* opposed the reading of them, urging, that the examinations of a
dead

dead man, neither signed nor sworn to by him, could not affect him, and therefore ought not to be admitted to be read as evidence. The Earl *Cowper*, thereupon desired that the house might be informed what nature those examinations were of? And whether they were signed, and taken upon oath? To this last question the Lord Viscount *Townshend* answered in the negative, and then gave the house the reasons of that omission, and an account of the said examinations, *viz.*

The Lord
Viscount
Townshend's
account of
Neynoe's ex-
amination,

‘ That *Neynoe* being, at first, free and willing to
‘ confess what he knew of the conspiracy to the
‘ Lords of the council, they only took the minutes
‘ of what he said, in three different papers, which
‘ were, each of them, read twice to him, who owned
‘ every article of them to be true; that afterwards
‘ he, (the Lord *Townshend*) delivered those three
‘ papers to Mr. *de la Faye*, in order to his digesting
‘ them into one, which accordingly he did; that
‘ they designed to get this paper signed and sworn
‘ to by *Neynoe*, but that in the mean time (whether
‘ upon the dread of being sent to *Newgate*, unless
‘ he turned evidence) he endeavoured to make his
‘ escape, and was drowned.’ *Plunket* still insisting,
that the said examination ought not to be admitted
as evidence, and desiring their Lordships judgment
thereupon, he and the counsel were ordered to with-
draw; and then it was by the courtiers proposed,
That the examination of Philip Neynoe, since dead, be
read in proof of the conspiracy in general? A question
being stated thereupon, it was, by the protesting
Lords, moved to add these words, *viz.* [*but not taken*
upon oath, nor signed by him.] After a debate, the
question being put, whether these words should be
made part of the question? It was resolved in the
negative, by a majority of 87 voices against 29;
twenty of which latter entered their protest. Then,
the question was put, whether the examination of
Philip Neynoe, since dead, should be read in proof of
the

the conspiracy in general? Which, after another debate, that lasted till near seven of the clock in the evening, was carried in the affirmative; and thereupon twenty Lords entered their Dissent, *viz.*

Scarsdale,

Gower,

Anglesey,

Cardigan,

Strafford,

Dartmouth,

Aylesford,

Brook,

Foley,

Bruce,

Willoughby de Br.

Exeter,

Litchfield,

Weston,

Poulet,

Compton,

Masbam,

Fr. Cestriens,

Uxbridge,

Craven,

Then the counsel for the bill produced several evidences which were examined, and also copies of three letters stopt at the post-office. Then several witnesses were examined against the bill; and *Plunket* and his solicitor were heard; which having lasted till eleven of the clock at night, the Lords adjourned to the next morning.

On the 29th of *April*, the said bill was read the third time, and after a pretty long debate, the question being put, whether the said bill should pass? It was carried in the affirmative, by a majority of 84 voices against 37. Upon which several Lords entered the following protest, *viz.*

Dissentient.

1. **B**Ecause bills of this nature, as we conceive, ought not to pass but in case of evident necessity, when the preservation of the state plainly requires it; which we take to be very far from the present case, the conspiracy having been detected so long since, and the person accused seeming to us very inconsiderable in all respects, and who from the many gross untruths it now appears he has wrote to his correspondents abroad, must appear to have been an impostor and deceiver, even to his own party.

2. Proceed-

2. Proceedings of this kind, tending to convict and punish, are, in their nature, tho' not form, judicial, and do let the Commons, in effect, into an equal share with the Lords in judicature, which the Lords ought to be very jealous of doing, since the power of judicature, is the greatest distinguishing power the Lords have; and there will be little reason to hope, that if bills of this nature are given way to by the Lords, the Commons will ever bring up impeachments, or make themselves accusers only, when they can act as judges.

3. This bill, in our opinion, differs materially from the precedents cited for it. As to the case of *Sir John Fenwick*, it is plain by the preamble of that bill, that the ground most relied on to justify proceeding against him in that manner was, that there had been two legal witnesses to prove the high treason against him: That a bill was found against him on their evidence, and several times appointed him for a legal trial thereon, in the ordinary course, which he procured to be put off, by undertaking to discover, till one of the evidences withdrew; so that 'twas solely his own fault that he had not a legal trial by a jury. All which circumstances not being in the present case, we take it, they are not at all to be compared to one another.

4. As to the acts which passed to detain *Counter* and others concerned in the conspiracy to assassinate the late King *William*, of glorious memory, we conceive those acts were not, in their nature, bills of attainder as this is, but purely to enable the crown to keep them in prison, notwithstanding the laws of liberty; whereas this is a bill to inflict pains and penalties, and does import a conviction and sentence on the prisoner, not only to lose his liberty, but also his lands and tenements, goods and chattels, of which he having none, as we believe, we cannot apprehend why

why it was inserted, and this bill not drawn on the plan of *Counter's*, &c. unless it was to make a precedent for such forfeitures, in cases of bills, which may hereafter be brought to convict persons who have great estates, upon evidence which does not come up to what the law in being requires.

5. If there be a defect of legal evidence to prove this man guilty of high treason, such defect always was; and we think, if bills of this nature, brought to supply original defects in evidence, do receive countenance, they may become familiar, and then many an innocent person may be reached by them, since 'tis hard to distinguish whether that defect proceeds from the cunning and artifice, or from the innocence of the party.

6. This proceeding by bill does not, in our opinion, only tend to lay aside the judicial power of the Lords, but even the use of juries, which distinguishes this nation from all its neighbours, and is of the highest value to all who rightly understand the security and other benefits accruing from it; and whatever tends to alter or weaken that great privilege, we think is an alteration of our constitution for the worse, tho' it be done by act of Parliament: And if it may be supposed, that any of our fundamental laws were set aside by act of Parliament, the nation, we apprehend, would not be at all the more comforted from the consideration that the Parliament did it.

7. It is of the essence of natural justice, as we think, but is most surely of the laws of the realm, that no person should be tried more than once for the same crime, or twice put in peril of losing his life, liberty or estate. And tho' we acquiesce in the opinion of the judges, that if this bill pass into a law, *Plunket* cannot be again prosecuted for the crimes contained in the preamble of the bill; yet it is certain, that if a bill of this kind should happen to be

rejected by either house of Parliament, or by the King, the person accused might be attacked again and again in like manner, in any subsequent session of Parliament, or indicted for the same offence, notwithstanding that either house of Parliament should have found him innocent, and not passed the bill for that reason. And we conceive it a very great exception to this course of proceeding, that a subject may be condemned and punished, but not acquitted by it.

8. We think it appears in all our history, that the passing bills of attainder, as this, we think, in its nature, is, (except, as before is said, in cases of absolute and clear necessity) have proved so many blemishes to the reigns in which they passed; and therefore we thought it our duty in time, and before the passing this bill as a precedent, to give our advice and votes against the passing it, being very unwilling that any thing should pass, which, in our opinions would, in the least, derogate from the glory of this reign.

9. We apprehend it to be more for the interest and security of his Majesty's government, that bills of this nature should not pass, than that they should, since persons, who think at all, cannot but observe, that in this case some things have been received as evidence, which would not have been received in any court of judicature; that precedents of this kind are naturally growing (as we think this goes beyond any other which has happened since the revolution) and if from such like observations they shall infer, as we cannot but do, that the liberty and property of the subject become, by such examples, in any degree, more precarious than they were before; it may cause an abatement of zeal for a government founded on the revolution, which cannot, as we think, be compensated by any the good consequences which are hoped for by those who approve this bill.

Scarsdale,

<i>Scarsdale,</i>	<i>Dartmouth,</i>	<i>Exeter,</i>
<i>Strafford,</i>	<i>Lechmere,</i>	<i>Foley,</i>
<i>Aylesford,</i>	<i>Compton,</i>	<i>Craven,</i>
<i>Weston,</i>	<i>Trevor,</i>	<i>Anglesey,</i>
<i>Masbam,</i>	<i>Berkeley de Str.</i>	<i>Litchfield,</i>
<i>Cardigan,</i>	<i>Cowper,</i>	<i>Asburnham,</i>
<i>Osborn,</i>	<i>Gower,</i>	<i>Uxbridge,</i>
<i>Willoughby de Br.</i>	<i>Bruce,</i>	<i>Bingley,</i>
<i>Poulet,</i>	<i>Hay,</i>	<i>Fr. Cestrien.</i>
<i>Bathurst,</i>	<i>Brook,</i>	<i>Oxford and Mort.</i>
<i>Guilford,</i>		

In the trial of Mr. Kelly, which came on the next day before the Lords, the counsel for the prisoner desired, ‘ That they might be at liberty to proceed to examine witnesses to prove, by several circumstances, That the letters dated 20th April, 1722. given in evidence for the bill, were not dictated by the Bishop of *Rocheſter* to the prisoner *George Kelly* ;’ but a motion being made for complying with that desire, the same occasioned a very warm and long debate ; and the question being put upon the said motion, it was carried in the negative by 82 voices against 47. Whereupon several Lords entered the following Protestation, viz.

Dissentient.

I. **B**ECAUSE it was insisted on by the prisoner’s counsel, That the proof desired was necessary to his defence, and, if allowed to be made, would contribute to satisfy the house of the prisoner’s innocence of the crimes charged on him by the bill ; for which reason alone, if there was no other, we think the witnesses ought to have been examined, it being, in our opinions, against the constant course and rules of justice, in criminal proceedings of all kinds, to preclude the prisoner’s defence, by refusing to hear his witnesses, if they are legal and competent ; and in derogation of the honour and justice of the house, on this occasion, to anticipate the judgment of the house in the least circumstance which the prisoner, or

his counsel insist on to be material to his defence, and which may, if proved, be of weight in the consideration and judgment of the house.

2. It appears to us, to tend directly to prove the guilt or innocence of the prisoner, to discover whether the Bishop of *Rocheſter* did dictate to the prisoner the letters mentioned in the question, because it was declared to the house by the counsel for the bill, in opening the charge against the prisoner, that the letters, tho' wrote by the prisoner were dictated to him by a greater person: And altho' the counsel for the bill, when called upon, did not think fit to name that greater person; yet it being suggested in the report of the house of Commons communicated to this house, and it being universally supposed hitherto, that the Bishop of *Rocheſter* did dictate the said letters to the prisoner, it became, in our opinions, incumbent on the prisoner to give the house what satisfaction he could in that particular; the same being made a circumstance, and part of the accusation against him, and, if falsified, or rendered incredible, might influence the judgment of the house in other circumstances.

3. Because the declaration of *Philip Neynoe* deceased, tho' not signed or sworn to by him, hath been allowed by the house to be read and given in evidence, in proof of the particular facts charged on the prisoner in the bill; in which declaration the prisoner is expressly charged by the said *Neynoe*, to have frequently told him, that the Bishop of *Rocheſter* held correspondencies with the *Pretender*, and the *Pretender's* agents; and that the prisoner was employed by the Bishop in writing for him, and carrying on the said correspondencies, and that he had several times left Mr. *Kelly* at the Bishop's door, when Mr. *Kelly* went into the Bishop's house, and stayed there an hour or two, and upon coming back to him, that the prisoner made apologies for staying so long, and told him, *he had been*

been writing the Bishop's letters, which he always apprehended to be the foreign correspondence of the Bishop with the Pretender's agents: For which reason also we conceive the proof desired ought to have been received, because it may be thought a denial of justice by this house to the prisoner, not to permit him to answer, even by legal evidence, the particular and direct evidence which the house hath allowed to be given against him.

4. Altho' the prisoner may be guilty of a treasonable correspondence, if he wrote the letters mentioned in the question, and the same were not dictated to him by any person whatsoever; yet the facts charged in the bill having been endeavoured to be proved, not by direct proofs of the facts themselves, but by circumstances, in our opinions, the prisoner's defence must be applied to answer the several circumstances; and it is, as we conceive, equally unjust to deny him the liberty of falsifying that circumstance of his writing the letters, being dictated to him by the Bishop, as it would be to refuse to allow him to prove that the said letters were not, or could not be wrote or sent to the persons to whom they are suggested or charged to have been wrote or sent, or to refuse him to prove, by circumstances, that the prisoner himself did not, or could not write the same at the particular times and places the same are suggested to be so wrote or sent by him, or to deny him liberty to falsify, by circumstances, any other circumstance relating to the supposed treasonable correspondence charged on him by the bill.

5. The counsel for the bill having alledged, as one reason, against the examination desired, that they were not prepared to answer that evidence, might have been a ground for the house to have allowed them a reasonable time for such preparation; but, in our opinions that consideration ought not to weigh

against the prisoner giving the evidence to the house which he was prepared to give, especially since it was alledged, that the examination now desired, was desired on the prisoner's part to have been made at the bar of the house of Commons, and thereby so long ago publicly notified by the prisoner.

6. Because the refusal of the proof of any circumstance of the prisoner's defence, if such refusal be not just, must, in its consequence, affect the justice of this whole proceeding against the prisoner; because it deprives the house of the liberty of forming a judgment upon the whole case, and tends, so far as that particular goes, to subject this proceeding against the prisoner to the objection of partiality, which is most highly dishonourable to this house, especially considering the latitude which hath been allowed in other parts of the examination, on this occasion.

<i>Arundel,</i>	<i>Craven,</i>	<i>Fr. Cestrien'.</i>
<i>Pomfret,</i>	<i>Wharton,</i>	<i>Foley,</i>
<i>Northampton,</i>	<i>Cowper,</i>	<i>Montjoy,</i>
<i>Leigh,</i>	<i>Willoughby de Br.</i>	<i>Osborn,</i>
<i>Berkley de Str.</i>	<i>Brook,</i>	<i>Compton,</i>
<i>Middleton,</i>	<i>Weston,</i>	<i>Bruce,</i>
<i>Salisbury,</i>	<i>Ashburnham,</i>	<i>Lechmere,</i>
<i>Hay,</i>	<i>Gower,</i>	<i>Dartmouth,</i>
<i>Strafford,</i>	<i>Poulet,</i>	<i>Bingley,</i>
<i>Scarsdale,</i>	<i>Guilford,</i>	<i>Aylesford,</i>
<i>Stawell,</i>	<i>Denbigh,</i>	<i>Uxbridge,</i>
<i>Bathurst,</i>	<i>Litchfield,</i>	<i>Tadcaster,</i>
<i>Trevor,</i>	<i>Anglesey,</i>	<i>Exeter.</i>
<i>Masham,</i>	<i>Cardigan,</i>	

The counsel for the prisoner having made some farther observations on the evidence given for the bill, and summed up their own evidence, Mr. Kelly spoke, in his own defence.

This speech took up so much time, that the conclusion of that affair was put off till the next morning,
(May

(*May 3d.*) when the house of Peers being sat, the bill to inflict pains and penalties on George Kelly, alias Johnson, was read the 3d time. Hereupon the Lord Batburst offered a rider to be added to the said bill, which was read by the clerk as follows; viz.

‘ Provided always, that if the said *George Kelly*,
 ‘ alias *Johnson*, shall at any time, give security, such
 ‘ as shall be approved of by the two chief justices,
 ‘ That he will, within one month, depart his Ma-
 ‘ jesty’s dominions, and not return again without the
 ‘ licence of his Majesty, his heirs and successors,
 ‘ Then the said *George Kelly*, alias *Johnson*, shall be
 ‘ at liberty to depart, any thing in this act to the
 ‘ contrary notwithstanding.

And a motion being made and the question put, whether the said *Rider* should be read a second time, it was carried in the negative by 83 voices against 38; upon which the following Peers entered their dissent, viz.

Osborn,	Strafford,	Foley,
Anglesey,	Aylesford,	Exeter,
Craven,	Salisbury,	Berkeley de Str.
Guilford,	Paulet,	Compton,
Stawell,	Bruce,	Uxbridge,
Northampton,	Ashburnham,	Arundel,
Middleton,	Dartmouth,	Cardigan,
Gower,	Masham,	Montjoy,
Fr. Cestrien’.	Weston,	Willoughby de Br.
Scarsdale,	Hay,	Bingley,
Trevor,	Brook,	
Batburst,	Litchfield,	

Then the question was put, whether this bill should pass? Which being carried in the affirmative by 79 voices against 41, several Lords entered and signed the following protestation, viz.

Dissentient.

Protest a-
gainst the
bill to inflict
pains and
penalties on
George Kelly.

1. **B**Ecause we think there is no room for the legislature to pass a law *Ex post facto*, to punish this person for the treasonable correspondence he is accused of, he being in custody, and may be brought to a legal tryal in one of the courts of justice.

2. We conceive the want or defect of such clear and plain evidence as by the laws of this kingdom is required to convict any person of *high treason*, no sufficient reason to warrant the exercise of the legislative power in making a new law for his punishment, because such laws being made for the protection of innocent persons, from suffering by false, uncertain, or doubtful evidence, every subject is intitled to the benefit of those laws, when he shall fall under an accusation of *high treason*.

3. Because, we conceive, as by the rules of natural justice, laws ought to be first made as directions for men's actions, and obedience, and punishment inflicted, for putting those laws in execution against offenders: And that therefore punishing by a law made after the offence committed, is not agreeable to reason or justice, except only in the case of real and apparent necessity, to prevent the immediate ruin of a government, which we do not think can be the present case, or can bear any resemblance to it.

4. Because the proceedings of the legislative power, in making laws, can be governed by no rule but that of their own discretion and power: And therefore the making laws, to inflict pains and penalties on particular persons, must, as we conceive, tend to expose the liberties and properties of the subjects to an arbitrary discretion; and consequently render them precarious in the enjoyment of those blessings, which by our excellent constitution and government,

ment, they have always had an uncontrollable right to hold and enjoy, till forfeited for some crime, and the person offending legally convicted thereof, upon such full and positive proof as the laws of this kingdom do require.

5. Because, as we conceive, it would be of dangerous consequence to the safety of innocent persons, to allow copies of letters taken by the clerks of the post-office, tho' sworn by them to be true copies, to be given in evidence against any person accused of *high treason*, especially when such copies are not compared with the originals after they were taken, and the originals forwarded on by them, and not produced; because, the originals not being produced, such person is deprived of an opportunity of falsifying those copies; and tho' there should be any mistake committed by the clerk in copying, whether wilfully, or by negligence, such mistake cannot be detected for want of the original writings to compare the copies with.

6. Because the proof of letters or other writing in criminal prosecutions, by similitude and comparison of hands, being, as we conceive, a very slight and weak evidence (because hands may be too easily counterfeited, and the persons examined cannot speak positively, but to their belief, and therefore not liable to be prosecuted for perjury) hath, as we conceive very justly been discouraged in such times when the administration of justice hath been most impartial; and convictions of high treason grounded on such evidence have been reversed by act of Parliament, for that and other reasons.

Pomfret,

Stawell,

Northampton,

Fr. Cestrien.

Aylesford,

Dartmouth,

Bathurst,

Litchfield,

Trevor,

Uxbridge,

Foley,

Masbam,

Anglesey,

Anglesey,	Salisbury,	Cardigan,
Strafford,	Brook,	Arundel,
Scarsdale,	Gower,	Exeter,
Craven,	Weston,	Montjoy,
Denbigh,	Osborn,	Willoughby de Br.
Guilford,	Hay,	Asburnham,
Wharton,	Berkley de Str.	Bingley,
Middleton,	Compton,	Tadcaster.
Poulet,	Bruce,	

The Bi-
shop of Ro-
chester's try-
al at the bar
of the Lords
house.

On Monday, the 6th of May, about eleven o'clock in the morning, the Lord Bishop of *Rocheſter*. was brought to the bar of the Lords house, in order to make his defence againſt the *bill to inflict certain pains and penalties upon him*, with the aſſiſtance of his counſel Sir *Conſtantine Phipps*, and Mr. *Wynne*. After the reading of the bill, the King's counſel opened the nature of it, diſplayed the heinouſneſs of the late horrid and execrable conſpiracy, and, in particular, aggravated the crime of the priſoner at the bar, who as the preamble ſuggeſted, *was principally concerned in forming, directing, and carrying on the ſaid wicked, and deteſtable plot*. This done, in order to prove the conſpiracy in general, they offered to read ſeveral extracts of letters, which the government had received from abroad: But this was oppoſed by the Biſhop and his counſel, who alledged, That extracts of letters, ſome of them from anonymous, or at leaſt, from unknown perſons, ought not to be admitted as evidence, and that according to the method of legal proceedings, the originals themſelves ought to be produced. After the counſel, on both ſides, had canvafſed the matter to and fro, they and the priſoner were ordered to withdraw, and then a motion was made, and the queſtion put, ' That the extract, offered by the counſel for the bill, of the letter from Sir *Luke Schaub* to the Lord *Carteret*, be read as evidence,' which being carried in the affirmative by 95 voices againſt 37, another motion was made and

and the question put, ‘ Whether the advice inclosed
 ‘ in the letter from Sir *Luke Schaub* be read, tho’ this
 ‘ house be not acquainted with the person who gave
 ‘ that advice ?

This question being also resolved in the affirmative,
 the following Lords entered their dissent, *viz.*

<i>Strafford,</i>	<i>Masbam,</i>	<i>Foley,</i>
<i>Osborn,</i>	<i>Anglesey,</i>	<i>Exeter,</i>
<i>Craven,</i>	<i>Cowper,</i>	<i>Montjoy,</i>
<i>Salisbury,</i>	<i>Brook,</i>	<i>Weston,</i>
<i>Northampton,</i>	<i>Litchfield,</i>	<i>Willoughby de Br.</i>
<i>Scarsdale,</i>	<i>Bruce,</i>	<i>Compton,</i>
<i>Aylesford,</i>	<i>Denbigh,</i>	<i>Cardigan,</i>
<i>Gower,</i>	<i>Guilford,</i>	<i>Bingley,</i>
<i>Poulet,</i>	<i>Dartmouth,</i>	<i>Ashburnham.</i>
<i>Fr. Cestrien.</i>	<i>Trevor,</i>	

Then the counsel for the bill offered to produce copies of letters intercepted at the post-office, part of them written in cypher, and afterwards decyphered, but the same was strenuously opposed by the Bishop and his counsel, who put several puzzling questions to Mr. *Willes*, one of the decyphers, about the nature and certainty of their art. This disquisition lasted till about nine of the clock in the evening, when the prisoner and the counsel on both sides being withdrawn, a motion was made and the question put, that *Willes* be obliged to produce this key of the cypher ? This question being resolved in the negative by 80 voices against 43, another motion was made and the question put, That the said letters intercepted at the post-office and decyphered, be read as evidence, which was carried in the affirmative, and then the farther hearing of that affair was put off to the next day, and the Bishop remanded to the *Tower*.

The next morning, (*Tuesday May 7th.*) he was brought again to the bar of the Lords house, where the counsel for the bill, going on with their evidence, offered to read the examinations and confessions of *Philip Neynoe*, deceased. Which was strongly opposed by the Bishop and his counsel, but most of their objections having already been over-ruled in the cases of *Plunket* and *Kelly*, and the Lord Viscount *Townshend* having affirmed, and Mr. *Robert Walpole* attested the said examinations, it was resolved, by a majority of 85 voices against 41, that they should be admitted as evidence; upon which the said examinations were read.

Then the counsel for the bill offered to read several letters intercepted at the post-office: Upon which the Bishop desired and insisted, that the clerks of the post-office be examined, to these two questions, 'First, Whether they had a sufficient warrant and authority, to stop and open the said letters, and from whom they had such warrant and authority? 2dly, Whether clerks of the post-office who copied the letters, whose originals had been forwarded, had intercepted the said letters, themselves, or received them from some body else?' The Bishop and the counsel on both sides being withdrawn, the courtiers put the following question, *viz.*

'That it is the opinion of this house that it is inconsistent with the public safety, as well as unnecessary for the prisoner's defence, to suffer any farther inquiry to be made, upon this occasion, into the warrants which have been granted by the secretary of state for the stopping and opening of letters which should come or go by the post, or into the methods that have been taken by the proper officers at the post-office, in obedience to such warrants?'

After

After a long a debate, that lasted till near eleven of the clock at night, the said question was carried in the affirmative, by a majority of 82 voices against 40; upon which several Lords entered the following *protestation*, viz.

Dissentient.

1. **B**Ecause we apprehend, that in all criminal prosecutions, the cross-examining of witnesses is necessary for the defence of the prisoner, and for the satisfaction of those who are to judge of the facts alleged against him, in order to the discovering of truth, and detecting any fraudulent evidence which should be offered; and the resolution above recited does, in our opinions, debar the Bishop of *Rocheſter*, and every other person concerned, from asking any questions of the clerks of the post office, who are brought as witnesses to the bar, relating to the stopping and opening of post-letters, tho' letters pretended to be stopt and opened at the post office are read as evidence against the prisoner. And we conceive that the preventing any farther inquiry on these heads, must lay this house under great difficulties, when they come to form a judgment on those letters, the validity of which will, in a great measure, depend on the proof given of their having been truly stopt and opened, as asserted.

2. We apprehend it to be impossible for this house to determine, that the inquiry which is desired is unnecessary to the defence of the prisoner, till he shall come to make the application; and we conceive he should have the liberty of asking what questions he or his counsel think proper, of the clerks of the post-office, relating to the stopping and opening of letters, without acquainting the house what use he intends to make of their answers: And this appears to us to be highly reasonable, essential to justice, and warranted by the methods which this house hath hitherto

therto allowed the counsel for the support of the bill to proceed in, who have, during the whole course of this examination, reserved the application of the evidence they have offered, till they should judge convenient to make it.

<i>Scarsdale,</i>	<i>Wharton,</i>	<i>Masham,</i>
<i>Trevor,</i>	<i>Craven,</i>	<i>Aylesford,</i>
<i>Compton,</i>	<i>Northampton,</i>	<i>Bathurst,</i>
<i>Weston,</i>	<i>Bingley,</i>	<i>Litchfield,</i>
<i>Uxbridge,</i>	<i>Willoughby de Br.</i>	<i>Osborn,</i>
<i>Gower,</i>	<i>Exeter,</i>	<i>Bruce,</i>
<i>Strafford,</i>	<i>Asburnham,</i>	<i>Cardigan,</i>
<i>Foley,</i>	<i>Hay,</i>	<i>Anglesey.</i>
<i>Pomfret,</i>	<i>Denbigh,</i>	
<i>Brook,</i>	<i>Poulet,</i>	

The next morning (*Wednesday May 8th.*) the Bishop of *Rockester* being brought again to the bar of the Lords house, the counsel for the bill went on with the rest of their evidence, with less interruption than the two preceding days. The most remarkable passage in this days proceeding was, that *William Wood*, late Coachman to the Bishop, being produced as a witness, that Prelate asked him, ‘What reward he had received, or been promised, to depose against his Master?’ Which being represented as a brow-beating of the King’s evidence, the Lord Chancellor rebuked the prisoner for it. The counsel for the bill having summed up their evidence, about four o’clock in the afternoon, the Lords adjourned to the next day.

Accordingly on *Thursday*, the 9th of *May*, the house of Peers being sat, and the Bishop brought to their bar, his counsel made remarks and observations on the evidence produced on the other side, and opened the evidence they had to offer, in defence of their client. Their chief business being

being to invalidate *Neynoe's* examinations, on which great stress was laid by the Counsel for the bill, they observed, ' That what he pretended to know of the Bishop of *Rocheſter* was only by *bearsay* from Mr. *George Kelly*: But that as *bearsay* was never admitted as legal proof, much less ought it to have any weight in this case, where a dead-man's, *Neynoe's bearsay* was denied, and contradicted by *Kelly* now alive. That *Neynoe's* examinations were neither sworn to, nor signed by him: But were he still living, and offered to confirm them by oath, they could hardly be of any force, since they were ready to prove, that he was drawn in to say and unsay, to affirm or deny, any thing.' To this purpose they offered to examine three witnesses, viz. Mr. *Bingley*, Mr. *Skeene*, and Mr. *Stewart*, who were in the custody of a state messenger at the same time with *Neynoe*, and had an opportunity to converse, or communicate together; but before they entered upon that examination, the Bishop taking notice, that Mr. *Chancellor of the Exchequer* was at the bar, he said, ' It was not proper he should hear depositions that affected him: Whereupon Mr. *Walpole* withdrew.

Mr. *Bingley* being sworn, related what he knew concerning *Philip Neynoe*, with whom he had a great intimacy, and was stopt with him at *Deal*, as they endeavoured to go over into *France*, particularly, ' That *Neynoe*, having been taken up, some time before, upon account of several scurrilous libels he had writ against the government, and published in the *Freeholder's* journal, and being under an apprehension of being treated with the utmost severity of the law, on the one hand, and tempted with large promises of reward, on the other, he consented to be employed by the Ministers, and to accuse the Earl of *Orrery*, and the Bishop of *Rocheſter*, and several other

‘ other innocent persons, of having formed a con-
 ‘ spiracy against the government; that the Lord
 ‘ *Townshend* had declared a prejudice, upon some
 ‘ private account to the Bishop, and was *resolved*
 ‘ *to pull down the pride of that* HAUGHTY
 ‘ PRELATE. That Mr. *Walpole* instructed him
 ‘ (*Neynoe*) in private, what he should say in his
 ‘ examinations before the Lords of the Council,
 ‘ and, at divers times, gave him great sums of
 ‘ money. That *Neynoe*, who all this while had
 ‘ nothing in view, but to impose on those who
 ‘ obliged him to act so villanous a part; and to
 ‘ get out of their reach, proposed to the Ministers
 ‘ his going over to *France*, in order to gain far-
 ‘ ther intelligence of the conspiracy, by narrowly
 ‘ observing the steps of the Earl of *Marr*, Lord
 ‘ *Lansdowne* and other persons, suspected of being
 ‘ agents for the Pretender in *France*; that Mr.
 ‘ *Walpole* seemed at first, to approve this over-
 ‘ ture, but whatever was the reason, he afterwards
 ‘ changed his opinion, and suspecting *Neynoe*’s
 ‘ true intention to cheat him, and give him the
 ‘ slip, he caused him to be watched, and stopped
 ‘ at *Deal*.

This deponent (Mr. *Bingley*) added, ‘ That he
 ‘ himself had been tampered with, and offered a
 ‘ reward of 300 *l.* if he would turn evidence against
 ‘ the Bishop of *Rockester*, which he refused to do.

The Lord Viscount *Townshend*, who, as well as
 the Chancellor of the *Exchequer*, was charged by
 this deposition, in his own vindication observed,
 ‘ That no regard ought to be had to the evidence
 ‘ of a notorious and zealous *Jacobite*, who had been
 ‘ convicted, whipt, pilloried, and imprisoned at
 ‘ *Dublin*, upon two indictments, one for publish-
 ‘ ing a treasonable book called *NERO*, the other
 ‘ for speaking treasonable words, and this after
 ‘ having taken the oaths to the government;
 ‘ all which make him a less credible witness in the
 ‘ pre-

‘ present case, than if he had, in a common trial,
‘ been proved a *perjured witness*.

Whatever weight was laid on this objection, Mr. *Skeene* confirmed, upon oath, a great part of Mr. *Bingley*’s deposition, adding, ‘ That *Neynoe*,
‘ pursuant to his instructions, from the Minister
‘ who employed him, had proposed to him to be
‘ evidence against the Lord *Orrery*, and the Bi-
‘ shop of *Rocheſter*: But that having rejected his
‘ propoſal he confeſſed to him and to Mr. *Stewart*,
‘ that all he had done was only to amuſe the Mi-
‘ niſters till he could get out of their power; but
‘ that he had rather be torn in pieces by wild
‘ horſes, than be an evidence, and confirm by oath
‘ before a court of judicature, what he had been
‘ obliged to ſay before the Lords of the Council;
‘ that being one day in private, with the Miniſter
‘ above mentioned, he was ſtruck with ſuch re-
‘ morſe and indignation at the infamous part he
‘ forced him to act, that he was upon the point
‘ of ſeizing on a ſword that lay on the table, and
‘ running him through, in order to put an end to
‘ the conſpiracy. And that this deponent having
‘ aſked *Neynoe*, whether he knew any thing of a
‘ plot? He answered, he knew of two, one of
‘ Mr. *Walpole*’s againſt ſome great men, the other
‘ of his own, which was only to get eighteen or
‘ twenty thouſand pounds from Mr. *Walpole*: And
‘ whatever became of the firſt, he doubted not but
‘ he would have brought the other to bear, had
‘ he but once ſet foot on the *French* ſhore; and
‘ had not *Bingley*’s blundering marred all. More-
‘ over, Mr. *Skeene* endeavoured wholly to deſtroy
‘ Captain *Pancier*’s deposition, by ſaying, that he
‘ never told him any thing, but what he had him-
‘ ſelf out of the public news-papers.

Mr. *Stewart* being alſo examined upon oath, confirmed what had been depoſed by Mr. *Bingley* and Mr. *Skeene*, adding, ‘ That *Neynoe* had en-

‘ deavoured to engage him to turn evidence against
 ‘ the Earl of Orrery: Which he refused to do,
 ‘ having never spoke but once with his Lordship,
 ‘ to whom he was introduced by a Gentleman, up-
 ‘ on occasion of some books which he was to get
 ‘ for him.

Most of these particulars were confirmed by *Corbet Kynaston*, Esq; who deposed, that he had them from Mr. *Bingley*, Mr. *Skeene*, or Mr. *Stewart*, before Mr. *Neynoe* was drowned: But little stress was laid by the majority of the house of Peers, on these depositions, the three first witnesses being known to have been deeply engaged, in the *Pretender’s* cause.

This being over, the Counsel for the Bishop laboured to clear him from the most material part of the charge against him, *viz.* *That he did dictate to Mr. George Kelly the three letters, dated April 20th, 1722, to General Dillon, the late Earl of Marr, and the Pretender*; suggesting, ‘ That it could not
 ‘ be possible he should, at that time, dictate those
 ‘ letters, being disabled in his chamber, and con-
 ‘ stantly attended by some of his servants, who
 ‘ were examined, and deposed, that no stranger
 ‘ came near him about that time, and for some
 ‘ time, before and after; and that they never
 ‘ knew of Mr. *Kelly’s* being the Bishop’s Secretary,
 ‘ or being intimate with him, which, had he been
 ‘ so, could not have escaped their knowledge.’ The Counsel for the Bishop, read also an affidavit from Mr. *Gordon*, Banker at *Bologne*, importing,
 ‘ That he never received, nor forwarded any
 ‘ packets, from Mr. *George Kelly*, nor ever had
 ‘ any dealing or correspondence with him;’ and they likewise examined witnesses, and among the rest *Erasmus Lewis*, Esq; to prove how easily hand-writing may be counterfeited.

These

These examinations having lasted till near eleven of the clock in the evening, the Lords adjourned to the next morning.

The Bishop being the next morning (*Friday May 10th*) brought again to the bar of the Lords house, his Counsel endeavoured to take off the weight of the testimony and judgment of Mr. R—— an engraver, who having been produced and examined by the Counsel for the bill, had sworn to the similitude of the seal of a letter found among the Bishop's papers, with the seals of some of the intercepted letters: In opposition to which Mr. *Johnson*, and some other eminent engravers gave their opinions upon oath, ' That a seal may as easily
' be counterfeited as writing, or which is the same,
' that a seal engraved from the impression of another seal, may be so perfect, as to render it impossible to distinguish the impression of the original, from that of the counterfeit: ' An experiment of which was made by a Lord, who produced impressions of two different seals, so exactly like one another, that one of the engravers was deceived by them, and judged them to be of one and the same seal. This affair occasioned great altercations between the Counsel on both sides, and warm debates afterwards, in the house, till four o'clock in the afternoon, when the Lords having adjourned during pleasure, the courtiers refreshed themselves in the *Prince's* chamber, and the others in the adjacent coffee-houses.

The house being resumed, the Bishop of *Rochester* examined witnesses to falsify the deposition of *John Lawson*, baker at *Bromley*, who, very critically, swore to all the days and times the Bishop went to and from *London* and *Bromley* from the 1st of *April* to the 20th of *August* 1722. And farther deposed, ' That he was told by *James Day*
' and *Thomas Farnden*, two servants of the Bishop,
' that he had a fit of the gout, which lasted all

‘ or most part of the time between his going to
 ‘ *Bromley*, next before his Lady’s death, and his
 ‘ coming to town after she was buried; and that
 ‘ the said *Thomas Farnden* also told him, that
 ‘ among those who frequented the said Bishop at
 ‘ *Bromley* last summer, were the Lord *North* and
 ‘ *Grey*, who came very often, the Lord *Batburst*,
 ‘ Sir *Constantine Phipps*, Mr. *Aldridge* a Clergy-
 ‘ man, and Mr. *Wynne*, a Counsellor at law.’
 Among the rest, the helper to *William Wood*, the
 Bishop’s late coachman, deposed, ‘ that he had
 ‘ been kept in close custody for above two months,
 ‘ he knew not for what.’——Being asked if ever
 he saw Mr. *Kelly* alias *Johnson*, at the Bishop’s
 house in town, or at *Bromley*, he answered in the
 negative: Adding, ‘ That if he had been there,
 ‘ he could not have missed seeing, or hearing of
 ‘ him, because he always was about the house and
 ‘ stables, and as he conversed with all the other
 ‘ servants, so he knew of all the comers and
 ‘ goers. And that when he was at *Bromley*, one
 ‘ *Lawson*, a baker, came to him, and offered him
 ‘ a reward of two hundred pounds, (one half in
 ‘ hand) if he would turn evidence against the Bi-
 ‘ shop, and swear that Mr. *Kelly*, Lord *North*
 ‘ and *Grey*, and some other Lords and Gentlemen
 ‘ whom he should name to him, often came to
 ‘ the Bishop’s house at *Bromley*: Which proposal
 ‘ he rejected, with scorn.’ This was partly con-
 firmed by two or three more of the Bishop’s ser-
 vants, and other witnesses, whose examinations
 having lasted till nine of the clock in the evening
 the Lords adjourned to the next day.

On *Saturday*, the 11th of *May*, the Bishop be-
 ing again brought to the bar of their Lordships
 house, Sir *Constantine Phipps* made a short recap-
 itulation of the evidence for his client, which was
 more fully enlarged upon by Mr. *Wynne*, who,
 at the same time, made some nice observations on
 the

the evidence given for the bill: Which being over exactly at two of the clock in the afternoon, the Bishop then spoke in his own defence.

The Bishop having done speaking, and being, with his counsel, withdrawn, the Lord *Lechmere* took notice, that the most material part of the charge against that Prelate was his dictating the treasonable letter to Mr. *Kelly*; and since the letter was the only legal witness they could have in this doubtful case, he therefore moved, ‘ That
 ‘ *George Kelly*, alias *Johnson*, now a prisoner in
 ‘ the *Tower* of *London*, be brought to the bar of
 ‘ this house on *Monday* morning next, to be exa-
 ‘ mined upon oath, on the bill intituled, *An act to*
 ‘ *inflict pains and penalties on Francis Lord Bishop*
 ‘ *of Rochester.*’ He was seconded by the Earl of *Carlisle*; but opposed by the court Lords, so that the question being put upon his motion, it was resolved in the negative by 80 voices against 40; Whereupon several Lords entered and signed the following protestation.

Dissentient.

1. Because we think it unquestionable, that the said *Kelly* is a competent legal witness to the matters charged by the bill against the Bishop, and could not be legally refused to be sworn as such, if the Bishop were on his trial for the same in the ordinary course of justice; and that, whether the said *Kelly* was produced for or against the Bishop. And we conceive, that if the Counsel for the bill had thought fit to have produced him in support of the bill, that even no legal objection could have been made by the Bishop’s Counsel against his being so produced and sworn; the bill passed this house against the said *Kelly* not having received the royal assent, and there not being in the said bill, in our opinions, any thing that can de-

stroy even his legal testimony, when the same is passed into a law.

2. Because the three letters dated *April 20*, 1722, supposed to contain treasonable correspondencies with the Pretender and some of his agents, have been made the principal charge against the Bishop, and have been endeavoured to be proved to have been dictated to the said *Kelly* by the Bishop, at or about the time of their date; but this not being as yet done, as we think, by direct or positive proof, by any living witness of the fact, but by circumstances only, we think it most proper, and most safe and just, to endeavour to discover the truth of that material fact by the best evidence the nature of the thing can admit of; and that this house should not be left under the difficulties of judging on this extraordinary occasion, from doubtful circumstances, if the fact may be cleared by certain positive proof, and the examination of a competent and a living witness upon oath, at the bar of this house.

3. Because several living witnesses have been examined on oath, at the bar of this house, on behalf of the Bishop, in order to prove by their positive testimony, and other circumstances, that the Bishop did not dictate, or direct, or was any way privy to the writing the said letters, or any of them, which has, in our judgments, rendered it yet of greater importance, that the supposed writer of those letters should be brought under the most strict and solemn examination, before the bill has passed this house.

4. Because the said *Kelly*, though examined before Committees of both houses of Parliament, and elsewhere, hath not, to our knowledge, been yet examined on oath to the matters contained in
this

this bill, and it having appeared to us, in other instances on this occasion, particularly of Mrs. *Barnes*, examined for the bill, and of *Bingley* against it, who have materially varied their examinations at the bar of this house, from their former examinations, at the same time declaring that their former examinations were not taken and sworn to by them; we think it may be both dangerous and derogatory to the honour and justice of the house, not to examine on oath a person capable of discovering the matters of fact, on which the justice of the bill against the Bishop must depend, and especially after the said *Kelly* hath declared in the most solemn manner, next to that of his being upon oath, that the Bishop did not dictate, or was privy to the writing of the said letters, or any of them; and the Bishop himself, in his defence, having also, in the most solemn manner of asseveration, declared his innocence in this particular, and expressly referring to the former asseverations of the said *Kelly*, as we conceive, as a testimony in confirmation of his own asseverations.

5. Because we conceive, that the said *Kelly*, was not only a legal witness for or against the Bishop, in the strictest construction of courts of judicature, but the examination of him upon oath in this bill, is, in every respect whatsoever, in our judgments, less liable to objection than many, and most other evidences which on this occasion have been allowed; because the bill passed by this house against the said *Kelly*, if it obtains the royal assent, as is most probable, doth, in judgment of law, as hath been declared by the Judges, acquit him of any future prosecution for the said treasons therein charged upon him: And there is no judgment or punishment inflicted upon him in the said bill, which can, when passed, destroy his capacity of

giving evidence on any occasion ; and the same having passed this house, and not passed the royal assent, leaves the said *Kelly*, in our opinions, under less influence either of hopes or fears, than such witnesses which have been examined on this occasion, under commitments and charge of high treason, and, as we conceive, less liable to that objection than the declaration of *Philip Neynoe*, which has been read against the Bishop, tho' never signed or sworn to by him, and the said *Neynoe* some months since drowned in endeavouring his escape, and which declaration appears to us to have been made by him under the strongest influences of guilt and terror.

6. We think the crimes charged in the bill against the said *Kelly*, are, in their nature, distinct and independent on those charged on the Bishop, *Kelly's* guilt in writing the said treasonable letters proved upon him, being the same, altho' the Bishop be altogether innocent in relation thereto, for which, as we conceive, this house did refuse to permit *Kelly*, on his bill, to give evidence that the Bishop did not dictate the said letters, and for which reason we are of opinion, that the evidence which *Kelly* might have given touching the Bishop's dictating the said letters, or not, would have produced no consequence at all with regard to the bill passed against himself, altho' it must necessarily have contributed to the proof of the guilt or innocence of the Bishop.

7. This house having with great honour and justice declared to several persons produced as witnesses on this occasion, that it was not required from them to depose to any thing which did or might tend to their own accusation ; the testimony of the said *Kelly*, if he had been examined upon oath, we doubt not, would have been taken under the same just indulgence ; and if he had submitted to have been examined on oath to the matters of this bill, such examination

nation being, in that respect, voluntarily, could not in our opinions, have been construed as forced from him by the authority of this house; and such a testimony as he might have given would have remained under consideration and judgment of this house, as to its credit and influence, on all circumstances, in the same manner as the other evidence for and against the bill still does.

Cowper,
Strafford,
Scarsdale,
Dartmouth,
Leckmere,
Pomfret,
Ashburnham,
Cardigan,
Litchfield,
Guilford,
Aylesford,
Weston,

Bathurst,
Salisbury,
Northampton,
Bingley,
Foley,
Anglesey,
Bruce,
Gower,
Uxbridge,
Exeter,
Brook,
Craven,

Berkley de Str.
Fr. Cestrien.
Willoughby de Br.
Masham,
Poulet,
Compton,
Middleton,
Hereford,
Hay,
Denbigh,
Wharton.

On *Monday* the 13th of *May*, the Bishop of *Rocheſter* being, for the laſt time, brought to the bar of the Lords houſe, Mr. *Reeves*, one of the counſel for the bill, made a reply to the Biſhop's defence; and in particular, juſtified what he had ſaid before about the letter the Biſhop wrote in the *Tower*, and which was found about one of his ſervants. And as the Biſhop had cloſed his ſpeech with a paſſage out of the Holy Scripture, ſo Mr. *Reeves* concluded with theſe words out of *Eccleſiaſtes*, (Chap. x. v. 20.) *Curſe not the King, no not in thy thought, and curſe not the Rich in thy bed-chamber: For a bird of the air ſhall carry the voice, and that which has wings ſhall tell the matter.*

After this the counſel for the bill produced and examined ſeveral witneſſes to contradict what had been depoſed relating to *Neyoe*.

But

But what was most remarkable in this day's proceeding, was this: The Bishop of *Rockester*, and his counsel, having much insisted and endeavoured to prove that he did not dictate the treasonable letters in question, because at the time they were supposed to be written, and before and after, *he was disabled in his chamber*, the Lord Bishop of *St. Asaph*, thought it his duty to acquaint the house, that at that very juncture of time, he had received a letter from the Bishop of *Rockester*, and of his own hand writing. This voluntary evidence, from a person of so venerable a character, made a visible, but different impression on the whole assembly; and did no less spirit and glad the Bishop of *Rockester's* enemies, than abash and grieve his friends: But the Bishop himself rather fired with indignation, than daunted by so unexpected a charge, absolutely denied the fact, boldly challenged his accuser to prove it, and offered to put the whole trial upon that single point.

The Bishop of *St. Asaph* still affirmed that he received a letter, which he took to be written by the Bishop of *Rockester* himself, from the hands of one of his servants, then at the bar; but being somewhat perplexed as to the hour, and the day; and, at the same time, contradicted by *Grant*, the Bishop of *Rockester's* servant, the prisoner, in an exulting manner, pressed his accuser to produce the letter in question: Which the other not being able to do, the Bishop of *Rockester* severely animadverted upon him, for being so forward to give such rash evidence, and endeavouring to fix perjury upon a man of his holy function. This affair being over, the Lords in a grand Committee, went through the *bill for inflicting pains and penalties on Francis Lord Bishop of Rockester*, and about ten o'clock in the evening, adjourned to *Wednesday*, the 15th of *May*.

Their Lordships being then sat, the said bill was read the third time, and a motion being made, that
the

the bill should pass? It occasioned a very warm and long debate. The Speakers, *for* and *against* the bill, were as follows, the numerical figures shewing the order in which they spoke:

<i>Against the Bill.</i>	<i>For the Bill.</i>
1 Earl Poulet,	2 Lord Bp. of Salisbury,
3 Lord Bp of Chester,	4 Lord Bp. of London,
5 Duke of Wharton,	9 Earl of Finlater and
6 Lord Bathurst,	Seafield,
7 Earl of Strafford,	10 Duke of Argyle,
8 Lord Trevor,	12 Lord Lechmere,
11 Lord Gower,	14 Earl of Peterborow,
13 Earl Cowper.	15 Earl of Cholmondeley.

The Earl *Poulet*, who opened the debate, spoke to the nature of this bill, shewed the danger of such an extraordinary proceeding, and urged, ‘ That the swerving from the rules of evidence, and consequently from justice, must inevitably be attended with the most fatal consequences to our excellent constitution.’ The Lord Bishop of *Salisbury*, in answer to that, alledged, ‘ That as extraordinary diseases require extraordinary remedies, so in cases of extreme danger and necessity, when the very being of the state lies at stake, if the common law cannot reach great offenders, the legislature ought to exert itself.’ He was replied to by the Lord Bishop of *Chester*, who owned ‘ that extraordinary proceedings may, indeed, be recurred to, upon extraordinary occasions, and when they are evidently necessary for the preservation of the state; but that was very far from the present case; since the conspiracy, in which the Bishop of *Rochester* was charged to have had a share, had been discovered and disappointed long before.’ He was answered by the Lord Bishop of *London*, to whom the Duke of *Wharton* replied in a long speech, wherein his Grace summed up the whole evidence that

Debate in the
house of
Lords on the
Bishop of
Rochester’s
bill.

Lord Bathurst's
speech.

that had been produced against the Bishop of *Roche-*
ster, and endeavoured to shew the insufficiency of it,
to prove the charge: Concluding, ' that let the
' consequences be what they would, he would not
' have such a hellish stain sully the lustre and glo-
' ry of that illustrious house, as to condemn a man
' without the least legal evidence;' and so he
was for rejecting the bill. His Grace was
strongly supported by the Lord *Bathurst*, who, in
the first place, took notice of the ' ungracious dis-
' tinctions that were fixed on the members of that
' noble and illustrious assembly, who differed in opi-
' nion from those who happened to have the majori-
' ty; that for his part as he had nothing in view
' but truth and justice, the good of his country, the
' honour of that house, and the discharge of his
' own conscience, he would freely speak his
' thoughts, notwithstanding all discouragements;
' that he would not complain of the sinister arts
' that had been used of late to render some persons
' obnoxious, and under pretence of their being so,
' to open their letters about their minutest domestic
' affairs; for these small grievances he could easily
' bear; but when he saw things go so far, as to con-
' demn a person of the highest dignity in the church,
' in such an unprecedented manner, and without any
' legal evidence, he thought it his duty to oppose a
' proceeding so unjust and unwarrantable in itself,
' and so dangerous and dismal in its consequences.'
To this purpose, he begged leave to tell their Lord-
ships a story he had from several officers of undoubt-
ed credit, that served in *Flanders* in the late war,
' A *French* man, it seems, had invented a machine,
' which would not only kill more men at once, than
' any yet in use, but also disable for ever any man
' that should be wounded by it. Big with hopes of
' a great reward, he applied to one of the Ministers,
' who laid his project before the late *French* King;
' but that Monarch, considering that so destructive
' an

‘ an engine might soon be turned against his own
‘ men, did not think proper to encourage it, where-
‘ upon the inventer came over into *England*, and
‘ offered his service to some of our Generals, who
‘ likewise rejected the proposal, with indignation.
‘ The use and application of this story, added his
‘ Lordship, is very obvious: For if this way of
‘ proceeding be admitted, it will certainly prove a
‘ very dangerous engine; no man’s life, liberty, or
‘ property will be safe; and if those who were in the
‘ administration some years ago, and who had as
‘ great a share in the affections of the people as any
‘ that came after them, had made use of such a po-
‘ litical machine, some of those noble persons who
‘ now appear so zealous promoters of this bill,
‘ would not be in a capacity to serve his Majesty at
‘ this time.’ His Lordship added, ‘ That if such
‘ extraordinary proceedings went on, he saw nothing
‘ remaining for him, and others, to do, but to re-
‘ tire to their country-houses, and there if possible,
‘ quietly enjoy their estates, within their own fami-
‘ lies, since the least correspondence, the least inter-
‘ cepted letter, might be made criminal. To this
‘ purpose his Lordship quoted a passage out of Car-
‘ dinal *de Retz*’s memoirs, relating to that wicked
‘ politician, Cardinal *Mazarin*, who boasted, that
‘ if he had but two lines of any man’s writing, with
‘ a few circumstances attested by witnesses, he could
‘ cut off his head when he pleased.’ His Lordship
also shrewdly animadverted on the majority of the
venerable bench, towards which, turning himself,
he said, ‘ He could hardly account for the inveterate
‘ hatred and malice some persons bore the learned
‘ and ingenious Bishop of *Rocheſter*, unless it was
‘ that they were intoxicated with the infatuation of
‘ some of the wild *Indians*, who fondly believe they
‘ inherit not only the *spoils*, but even the *abilities* of
‘ any great enemy they kill.’ The Earl of *Straf-*
ford

Lord Trevor's speech.

ford spoke on the same side, as did also the Lord *Trevor*, who among other arguments, against the bill in question, urged, ' That if men were in this
' unpredecended manner, proceeded against without
' legal proof, in a short time men would be tried,
' as they were liked by Ministers: That for his own
' part, he believed he stood but indifferently in the
' opinion and liking of some persons, and therefore
' he had reason to think himself the more in danger
' because at present, they wanted the protection of
' the law.' (Meaning the suspension of the *Habeas Corpus* act) and as, ' in a short time, they were like
' to be so unhappy as to be deprived of his Majesty's personal protection, and were still liable to
' be confined upon *suspicion*, which he took to be
' no more than *will and pleasure*, they were consequently at the *will and pleasure* of the Ministers.
' That, however, no apprehension of what he
' might suffer should deter him from doing what he
' thought his duty; that, consonant to that principle,
' he had all along, and still opposed these extraordinary proceedings, which tended to lodge an exorbitant power in their fellow subjects. That if he
' were to lose his liberty, he had rather give it up
' to one single tyrant, than to many: For a tyrant
' if a man of common understanding, would, for
' his own sake, be tender of the lives of his subjects;
' whereas many tyrants would endeavour to destroy
' one another, to get one another's preferments.'

The Lord *Trevor*, having done speaking, the Earl of *Finlater* and *Seafield* spoke on the court side, and endeavour'd to shew, ' that the evidence that had
' been produced before them, being sufficient to
' convince any reasonable man, that there had been
' a detestable conspiracy, and that the Bishop of *Rochester* had a great share in it, was likewise sufficient to justify this extraordinary proceeding against
' him, especially since they inflicted on him so light
' a punishment, considering the heinousness of his
' crime.'

‘ crime.’ The Duke of *Argyle* pursued the same argument; run through and confuted the most essential parts of the Bishop’s defence; and, with vehemence, aggravated his offence, by which he had debased his holy function and character, and acted contrary to the solemn and repeated oaths he had taken. The Lord *Gower* spoke afterwards against the bill; but, what surprized most people, the Lord *Lechmere*, who, on several occasions, had expressed his dislike to these extraordinary proceedings, declared it as his opinion, ‘ That there was sufficient evidence to support the charge.’ He was answered by the Earl *Cowper*, in a long speech, importing in substance, ‘ That the strongest argument which had been urged for this bill, was necessity; but that for his part, he saw no necessity that could justify so unprecedented and so dangerous a proceeding. That, as had already been suggested, the conspiracy had above a twelve-month before been happily discovered, and the effects of it consequently prevented. That besides the intrinsic weight and strength of the government, by the numerous offices and employments, civil and military, and the wealth and interest of the well affected to his Majesty’s person, and the present happy establishment, the hands of those at the helm had still been fortified by the suspension of the *Habeas Corpus* act, and the *additional* troops; so that, in his opinion, there could be no danger to the government, if *Plunket* and *Kelly* were not prisoners for life, nor the Bishop of *Rocheſter* sent into banishment; that, on the contrary, if that Prelate’s talent and genius lay in contriving and carrying on state-intrigues, he thought him less dangerous at home than abroad. That the other reasons alledged to support this extraordinary proceeding had no more weight in them, that the first: That the known rules of evidence, as laid down at first, and established by the law of
‘ the

‘ the land, were the birth-right of every subject of
‘ this nation ; and ought to be constantly observed
‘ not only in the inferior courts of judicature, but
‘ also in both houses of Parliament, till altered by
‘ the legislature ; that much had been said of the
‘ power of Parliaments, which he owned was very
‘ great : But that, in his opinion, their absolute pow-
‘ er consisted only in making and repealing laws ;
‘ and till such time as a law was repealed, every
‘ subject had a right to it.

‘ That the admitting the precarious and uncertain
‘ evidence of the Clerks of the Post-office, was a
‘ very dangerous precedent. That in former times
‘ it was thought very grievous, that in capital cases,
‘ a man should be affected by similitude of hands ;
‘ but here the case was much worse : Since it was al-
‘ lowed that the Clerks of the Post-office could car-
‘ ry the similitude of hands four months in their
‘ minds ; that these men might be honest, and swear
‘ to the best of their knowledge, but he was sure,
‘ they were, at least, very willing and forward evi-
‘ dence : For as he asked one of them, how he
‘ knew such a paper to be Mr. Kelly’s hand ? He
‘ readily answered, *he had seen the same four months*
‘ *before, and he was sure it could be no other* : Where-
‘ as any man, who has never so little been conver-
‘ sant in the world, knows that hands may be so well
‘ counterfeited, as not to be distinguished. After
‘ this his Lordship commended the Bishop of Ro-
‘ chester’s noble and brave carriage in not answering
‘ before the house of Commons, whose proceeding,
‘ in this unprecedented manner, against a Lord of
‘ Parliament, was such an incroachment on the pre-
‘ rogative of the Peerage, that if submitted to, by
‘ passing this bill, they might well be said to be the
‘ *last of Lords. Ultimus Romanorum*, my Lords,
‘ (said his Lordship in the conclusion) was a charac-
‘ ter of honour and praise ; but to be the last of
‘ *British*

‘ *British* Peers, by giving up our ancient privileges,
 ‘ will never I doubt, admit of such construction, and
 ‘ therefore I am for rejecting this bill!’ Little was
 said of any great weight after his speech; and a-
 bout half an hour past nine, the question being
 put, it was resolved in the affirmative by a majority
 of 83 voices against 43; upon which several Lords
 entered and signed the following protestation, *viz.*

Dissentient.

1. **B**Ecause the objection which we thought lay a-
 gainst the bills of *Plunket* and *Kelly*, that the
 Commons were thereby let into an equal share of
 judicature with the Lords, does hold stronger, as we
 apprehend, against the present bill, since, by means
 of it, a Lord of Parliament is in part tried and ad-
 judged to punishment in the house of Commons, and
 reduced to a necessity, either of letting his accusation
 pass undefended in that house, or of appearing there,
 and, as we take it, derogating from his own honour,
 and that of the Lords in general, by answering and
 making his defence in the lower house of Parliament.

Protest a-
 gainst the
 Bishop of
Rochester's
 bill.

2. Because we are of opinion, that the Commons
 would be very far from yielding to the Lords any
 part of those powers and privileges, which are pro-
 perly theirs by the constitution, in any form, or un-
 der any pretext whatsoever. And it seems to us full
 as reasonable, that the Lords should be as tenacious
 of the rights and privileges which remain to them,
 as the Commons are on their part.

3. We think this bill against a Lord of Parliament,
 taking its rise in the house of Commons, ought the
 rather not to have received any countenance in this
 house, for that, as it appeared to us by the printed
 votes of the house of Commons, that house had voted
 the Bishop guilty of all the matters alledged a-
 gainst him in the bill, before the bill was brought in-

to that house, and consequently before the Bishop had any opportunity of being heard: And altho' there be nothing absurd in such a vote, in order to their accusing by an impeachment; yet it seems to us absolutely contrary to justice, which ought to be unprejudiced, to vote any one guilty against whom they design to proceed in their legislative capacity, or in nature of Judges, before the party has an opportunity to be heard, or the bill, which is to ascertain the accusation, is so much as brought in.

4. We are of opinion, that no law ought to be passed on purpose to enact, that any one be guilty in law, and punished as such, but where such an extraordinary proceeding is evidently necessary for the preservation of the state: Whereas the crime offered to be proved against the Bishop of *Rockester* is, as we conceive, his partaking in a traiterous conspiracy, against the government, which conspiracy, by God's blessing, is detected, and, as we hope, disappointed, without the aid of such a dangerous proceeding, as we conceive this to be.

5. Because there are certain known and established rules of evidence, which are part of the law of the land, either introduced by acts of Parliament, or framed by reason and the experience of ages, adjusted as well for the defence of the life, liberty, and property of the innocent subject, as the punishment of the guilty; and therefore these rules are, or ought to be, constantly adhered to, in all courts of justice; and, as we conceive, should be also observed, till altered by law in both houses of Parliament, whenever they try, judge, and punish the subject, tho' in their legislative capacity. But since, in many instances, in this and the two other proceedings by bill, we have been taught, by the opinion of the house, that these rules of evidence need not be observed by the houses acting in their legislative capacity,

city, we clearly take it to be very strong objection to this manner of proceeding, that rules of law, made for the security of the subject, are of no use to him in it; and that the conclusion from hence is very strong, that therefore it ought not to be taken up, but where clearly necessary, as before affirmed: And we do desire to explain our selves so far upon the cases of necessity excepted, as to say, we do not intend to include a necessity arising purely from an impossibility of convicting any other way.

6. If it be admitted, that traiterous correspondencies in cypher and cant-words may, to a degree, be discouraged by this sort of proceeding, in which persons, as we think, are convicted on a more uncertain evidence than the known rules of law admit of, yet we are of opinion, that convenience will be much more than out-weighed by the jealousy it must of necessity, as we conceive, create in the minds of many of his Majesty's most faithful subjects, that their lives, liberties, and properties are not so safe, after such repeated examples, as they were before; and by the natural consequence of this apprehension, an abatement of their zeal for the government may ensue, excepting such persons as have had more than ordinary opportunities of being well instructed in principles of the utmost duty and loyalty.

7. We cannot be for the passing this bill, because the evidence produced to make good the recital of it, or that the Lord Bishop of *Rockester* is guilty of the matter he therein stands accused of, is, in our opinions, greatly defective and insufficient, both in law and reason, to prove that charge; the evidence consisting altogether, to the best of our observation, in conjectures arising from circumstances in the intercepted letters, or in a comparison of hand-writings resting on memory only: And there being, as we
B b 2 think,

think, no proof of the Bishop's knowing of, or being privy to, any of the said correspondence; and as to the principal part of the charge against the Bishop, and on which, as we think, all the rest does depend, *viz.* the dictating of the letters of the 20th of *April* 1722, which the house of Lords seem to have determined that *Kelly* wrote, we are of opinion that the Bishop has, in his defence, very clearly and fully proved, that he did not, nor possibly could, dictate those letters, or the substance of any part thereof to *Kelly*, either on the days of the date, or at any time during several days before, or next after the day of their date, nor was in any capacity to write them himself, tho' the letters must have been wrote within that compass of time. And we are, upon the whole, of opinion, That the proof and probability of the Lord Bishop of *Rocheſter's* innocence, in the matters he stood charged with, were much stronger than those of his guilt.

Strafford,
Scarsdale,
Denbigh,
Northampton,
Bruce,
Salisbury,
Poulet,
Montjoy,
Fr. Cestrien.
Dartmouth,
Cardigan,
Litchfield,
Craven,

Anglesey,
Aylesford,
Ashburnham,
Hay,
Foley,
Bathurst,
Osborn,
Trevor,
Gower,
Uxbridge,
Compton,
Weston,
Arundel,

Masham,
Guilford,
Berkeley de Str.
Pomfret,
Middleton,
Willoughby be Br.
Cowper,
Brook,
Hereford,
Bingley,
Stawel,
Oxford,
Exeter.

I dissent for the 6th and 7th reasons of the foregoing protestation, and for the following reasons.

1. Because this extraordinary method of proceeding by bills of this nature against persons who do not withdraw from justice, but are willing to undergo a legal

legal trial, ought, in my opinion, to be supported by clear and convincing evidence; and I apprehend there has been nothing offered to support the allegations set forth in the preamble of the *bill to inflict pains and penalties on Francis Lord Bishop of Rochester*, but what depends on decyphered letters, forced constructions, and improbable innuendo's.

2. I conceive, that the examination of *Philip Neynoe*, taken before the Lords of the Council, not sworn to, nor signed, which appears to me to be the foundation on which the charge against the Bishop of *Rochester* is built, has been, in my apprehension, sufficiently proved, by the positive oaths of three persons, two of which have been, for several months in separate custodies, confirmed by other circumstances, to have been a false and malicious contrivance of the said *Neynoe*, to save himself from the hands of justice, and to work the destruction of the Bishop of *Rochester*.

3. I do not apprehend, that the letters of the 20th of *April*, which are suggested to be wrote by *George Kelly*, alias *Johnson*, and dictated by the Bishop, have been sufficiently proved to be the hand-writing of the said *Kelly*; but on the contrary it appears, to the best of my judgment, that the letter of the 20th of *August* (stopt at the Post-office, and from which the Clerks of the Post-office, on their memory only, swore they believed the said letters of the 20th of *April* to be the same hand-writing, tho' they never compared two original letters together during all that time) has been proved by three credible witnesses, concurring in every circumstance of their testimony, and well acquainted with the hand-writing of the said *Kelly*, not to be his hand-writing; and I conceive, that the difference they have observed in the hand of the said *Kelly*, upon which they ground their opinions, is sufficiently supported by comparing the

saïd letter of the 20th of *August*, with the letters wrote by the saïd *Kelly* to the Lord *Townshend* and Mr. *De la Faye*, during the time of his confinement.

4. I do not apprehend, that any proof has been offered to support what has been so much insisted on, and justly esteemed essential to the charge, that the Bishop of *Rocheſter* dictated the letters of the 20th of *April*; but it has appeared, I conceive, that there has been no intimacy between the Bishop and the saïd *Kelly*, and the testimony of the Bishop's servants concurring with the evidence given on that head, by the persons that *Kelly* lived in the strictest correspondence with, leaves, to the best of my judgment, no room to doubt, but that the acquaintance between them was slender and public; and to suggest from thence, that the Bishop dictated the letters of the 20th of *April*, when it appeared, that for many days before he could not possibly see the saïd *Kelly* is, in my opinion, repugnant to reason, and contrary to justice.

W H A R T O N.

The substance of the *bill to punish* the Bishop of *Rocheſter* is as follows:

W H E R E A S in the years 1721 and 1722, a detestable and horrid conspiracy was formed and carried on by divers traitors for invading your Majesty's kingdoms with foreign forces, for raising an insurrection and rebellion against your Majesty, for seizing the tower and city of *London*, and for laying violent hands upon your Majesty's most sacred person, and upon his Royal Highness the Prince of *Wales*, in order to subvert our present happy establishment in church and state, by placing a Popish Pretender on your throne: And whereas for the better concealing and effecting the saïd conspiracy divers treasonable correspondencies were, within the
time

time aforefaid, carried on by letters written in cyphers, cant words, and fictitious names; which conspiracy, had it not been disappointed by the goodness of Almighty God, would have deprived your Majesty's kingdoms of the enjoyment of their religion, laws, and liberties, involved them in blood and ruin, and subjected your people to the bondage and oppression of *Romish* superstition and arbitrary power: For which execrable treason *Christopher Layer* hath been indicted, tried, convicted, and attainted. And whereas *Francis* Lord Bishop of *Rocheſter*, notwithstanding the many ſolemn aſſurances by him given of his faith and allegiance to your Majesty, by taking the oaths by law appointed to be taken, inſtead of the oaths of allegiance and ſupremacy; which oaths he had likewiſe taken at ſundry times, during the reſpective reigns of their late Majesty's King *William* and Queen *Mary*, and of her late Majesty Queen *Anne*; and notwithstanding he had frequently abjured the Pretender, hath, in direct violation of his ſaid repeated oaths and obligations, and to the great ſcandal of religion, and his holy function, been deeply concerned in forming, directing, and carrying on the ſaid wicked and deteſtable conspiracy, and hath been a principal actor therein, by traiterouſly conſulting and correſponding with divers perſons, to raiſe an inſurrection and rebellion againſt your Majesty within this kingdom, and to procure a foreign force to invade the ſame, in order to depoſe your Majesty, and place the Pretender on your throne; and by traiterouſly correſponding with the ſaid Pretender, and perſons employed by him, knowing them to be ſo employed: Therefore to manifeſt our juſt abhorrence of ſo wicked and abominable a conspiracy, and our zeal and tender regard for the preſervation of your Majesty's perſon and government, and of the Proteſtant ſucceſſion in your Majesty's royal family, the ſolid foundations of our preſent happineſs and future hopes; and to the end that no con-

spirators may, by any subtil contrivance or practice whatsoever, escape punishment, and that all others may, by the justice of Parliament, be for ever hereafter deterred from engaging in any traiterous conspiracies or attempts: We your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal, and Commons in Parliament assembled, do humbly beseech your Majesty, that it may be enacted; and be it enacted, &c. That the said *Francis* Lord Bishop of *Rockester*, from and after the first day of *June*, in the year of our Lord 1723 shall be, and is hereby, deprived of all and singular his offices, dignities, promotions, and benefices ecclesiastical whatsoever, and that the same, and every of them, shall from thenceforth be actually void, as if he were naturally dead; and that the said *Francis* Lord Bishop of *Rockester* shall from thenceforth for ever be disabled, and rendred incapable of and from taking, holding, or enjoying any office, dignity, promotion, benefice, or employment within this realm, or any other his Majesty's dominions, and also of and from using or exercising any office, function, authority, or power ecclesiastical or spiritual whatsoever, and shall and do suffer perpetual exile, and be for ever banished this realm, or any other his Majesty's dominions, and shall depart out of the same on or before the five and twentieth day of *June* in the year 1723. And that if the said *Francis* Lord Bishop of *Rockester* shall return into, or be found within this realm, or any other his Majesty's dominions at any time after the said five and twentieth day of *June*, 1723. he the said *Francis* Lord Bishop of *Rockester*, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer and forfeit as in cases of felony, without benefit of clergy, and shall be utterly incapable of any pardon from his Majesty, his heirs or successors.

And

And be it farther enacted, That all persons, who shall, from and after the said five and twentieth day of *June*, 1723. be aiding or assisting to the return of the said *Francis* Lord Bishop of *Rockester* into this realm, or any other his Majesty's dominions, or shall harbour or conceal him within the same or any of them, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer and forfeit as in cases of felony, without benefit of clergy.

And be it farther enacted, That if any of the subjects of his Majesty, his heirs or successors, except such persons as shall be licensed for that purpose by his Majesty, his heirs or successors, under his or their sign manual, shall from and after the said 25th of *June* 1723, within this realm or without, hold, entertain, or keep any intelligence or correspondence in person, or by letters, messages, or otherwise, with the said *Francis* Lord Bishop of *Rockester*, or with any person or persons employed by him, knowing such person or persons to be so employed, such person so offending, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer and forfeit as in cases of felony, without benefit of clergy.

And be it farther enacted, That if any offence against this act shall be committed out of this realm, the same shall or may be alledged, laid, inquired of, and tried in any county within *Great-Britain*.

My Lords,

‘ I believe it will be expected that I should say
 ‘ something in a case so extraordinary as this is ;
 ‘ and wherein a brother Bishop is so nearly concern-
 ‘ ed. I beg leave to begin with taking notice of
 ‘ some things that were peculiarly addressed to this
 ‘ bench, both by the reverend Prelate, and his coun-
 ‘ sel, from the bar.

Bishop of
Salisbury's
 speech for
 the Bishop of
Rockester's
 bill.

‘ The first is, That we would consider how a-
 ‘ greeable it may be to the canons and discipline of
 ‘ the church, in this extraordinary manner to deprive

‘ a Bishop of all his preferments ; and to prohibit
‘ him the use and exercise of his function for his
‘ life. As to this objection, whatever influence it
‘ may have abroad among ignorant people, yet, as
‘ to your Lordships, who know our constitution so
‘ well, I cannot imagine that it can have any weight
‘ at all. And indeed when I consider all the acts
‘ of Parliament relating to the supremacy, that
‘ have been made for near two hundred years, when
‘ I consider the articles of our church, our canons,
‘ and the subscriptions that the Bishop himself must
‘ have made, and must have required from others,
‘ in the exercise of his function, it is matter of won-
‘ der to me, that such an objection should be made,
‘ either by a Bishop of the church of *England*, or
‘ by a lawyer of the kingdom of *England*. I do
‘ not indeed recollect above one instance of a par-
‘ ticular act of Parliament made to deprive a Bi-
‘ shop ; which is, that of *Fisher* Bishop of *Rocheſter* ;
‘ who was so deprived, in the time of *Henry VIII.*
‘ But, as to general acts of Parliament, whereby
‘ both Bishops and Presbyters have been deprived of
‘ their preferments, we have a good number. Thus,
‘ in the beginning of Queen *Elizabeth*’s reign, almost
‘ all the Bishops of *England* were so deprived : And
‘ at the revolution, many were so ; and all might
‘ have been so, if they had not complied with the
‘ terms of the act of Parliament : And at the re-
‘ ſtoration, many hundreds of Presbyters were de-
‘ prived in the ſame manner. And it cannot well
‘ be doubted, but that the ſame authority which can
‘ make laws, by which the whole bench may be de-
‘ prived, may exert it ſelf in a particular caſe, if
‘ they have juſt reaſons for it.

‘ As to the trial of Bishops, for any crimes they
‘ ſhall be guilty of, we are to conſider the different
‘ nature of the crimes of which they are accuſed ;
‘ and the trial by law muſt be accordingly. If the
‘ crime be of an eccleſiaſtical nature, ſuch as eccle-
‘ ſiaſtical

‘ sialtical courts can take cognizance of, as simony,
‘ heresy, and the like; the trial regularly must be
‘ by the Arch-Bishop of the province, taking to his
‘ assistance some of his suffragan Bishops. But even
‘ in this case, if either the Arch-Bishop shall, upon
‘ complaint, neglect to try him; or, if upon trial
‘ he shall acquit and absolve him; the accuser may
‘ appeal to the King in Chancery: Which court
‘ may appoint a commission of delegates, who may,
‘ by the authority of the crown, judge him, deprive
‘ him of his Bishopric, prohibit him the use of his
‘ function for his life, tho’ he were before acquitted
‘ by the Arch-Bishop. But if the crime be of a
‘ civil nature, such as treason, (which is the case now
‘ before us) the ecclesiastical authority has nothing
‘ at all to do with it; and should any ecclesiastical
‘ judge attempt to meddle with it, he would be
‘ judged to attempt against the King’s crown and
‘ dignity, and quickly have his proceedings stopped,
‘ by a prohibition out of the temporal courts: And
‘ I would observe farther, that were this Bishop to
‘ be tried in the common course of law, for the
‘ crimes whereof he is accused in this bill, it must
‘ be, either by your Lordships, as a member of this
‘ house; or by the judges and a jury in *Westminster*
‘ *hall*. I would not at present say which, because it
‘ would lead me out of the way: But in this case,
‘ if either your Lordships, or the judges below,
‘ should pass sentence upon him for the treason of
‘ which he is here accused, that sentence would, *ipso*
‘ *facto*, deprive him of his Bishopric. I shall add
‘ no more but this one observation: That the way
‘ that is now taken to deprive him, is the only way
‘ that I know of, wherein the Bishops can have any
‘ part in the sentence of deprivation.

‘ The next thing that was suggested from the bar,
‘ particularly to this bench, was, That we should con-
‘ sider well what we are doing, and have a care that
‘ we do not, by concurring in this bill, make out titles

‘ to

to our Bishoprics precarious. As to this admonition, the answer is very easy ; That it becomes us, as we have the honour to have seats in Parliament, to take care to do justice, as, on the one side, to the prisoner ; so, on the other side, to our King and country : And to trust in God, that in so doing we shall neither hurt ourselves, nor our successors. But, so far as just judges may look to events, the argument seems to me to lie the other way : For, if for want of doing justice against traitors to King *George*, the Pretender should happen to prevail, (which God avert) the title of Protestant Bishops is like to be very precarious indeed. As to the power of Parliament to pass bills of this kind, the Parliament always had it, has frequently exercised it, and always must have it ; it being essential to the very being of the supreme power. The lives and liberties of every man in *England* are subject to it ; and though the exercise of this power may be dangerous to persons, who will venture upon treasonable practices, trusting to their cunning and artifice to screen them from the law, yet I have that confidence in the integrity and justice of the crown, and two houses of Parliament, that so long as this example is followed, of giving a full and fair hearing to the persons accused, innocent men cannot easily suffer ; or in all events, that if corruption or faction should ever so far prevail, that there should be danger to innocent persons, it will be much easier to corrupt witnesses or juries, or, to find other methods to destroy them, than it will be to prevail upon a Parliament to do it : As I am persuaded that, in this particular case, had there been any corruption, some other method would have been found out, more effectually to come at the person concerned, than this is like to do.

The last particular that the Bishop peculiarly addressed to the bench, was, that we would consider

‘ sider the words of *St. Paul to Timothy*; *against*
‘ *an elder receive not an accusation, but before two*
‘ *or three Witnesses.* The sense of which words
‘ his Lordship understood to be, that an accusa-
‘ tion should not be so much as *received* against an
‘ elder or presbyter, and much less against a Bi-
‘ shop, but upon the oaths of two or three wit-
‘ nesses. In answer to this, I beg leave to observe,
‘ that our translation renders the word, not, *upon*
‘ *the oaths*; but, *before* two or three witnesses:
‘ Which seems to import a very different sense
‘ from that his Lordship puts upon them. But,
‘ not to enter into any critical examination of the
‘ truth of our translation, or, what the real sense
‘ of the words is, I only make these two short
‘ observations: First, that the sense the Bishop
‘ puts upon them, that an accusation against a pres-
‘ byter or Bishop, must not be so much as receiv-
‘ ed into court, but upon the oaths of two or more
‘ witnesses, is not practised in the church of *Eng-*
‘ *land*; and, I believe, never was practised in any
‘ christian church whatever. The second observa-
‘ tion is that whatever be the sense of these words,
‘ it regards only the conduct of a Bishop towards
‘ his presbyters; but certainly was never intended
‘ to give a law to the supreme power of a king-
‘ dom, in its proceedings in cases of high treason,
‘ against any subject whatsoever. But the Bishop
‘ urges farther, that the *Jewish* law did require at
‘ least two or more witnesses in in all judicial pro-
‘ ceedings; and from thence infers, that it ought
‘ to be so among us. To this it may be repli-
‘ ed, that it is a part of the judicial law of the *Jews*,
‘ which was not given to us, and therefore doth
‘ not oblige us any more than the rest of that law
‘ doth; except, where the reason of the thing lays
‘ an obligation upon us. But indeed, I am of
‘ opinion, that, that law doth oblige us, so far as
‘ it

‘ it was intended to oblige them, and so far as it
‘ can be adapted to the infinite variety of cases,
‘ that must happen in judicial matters. That law
‘ is very short, and therefore must leave many
‘ questions that may be made about it, undetermin-
‘ ed: I shall take notice of these two only; the
‘ first is, whether the meaning of it be, that all
‘ controversies and accusations whatever, must be
‘ determined by witnesses, and no other way? Or,
‘ whether upon supposition that the matter be to
‘ be determined solely by witnesses, and no light
‘ can be brought to it any other way; that then
‘ the witnesses must be at least two? The se-
‘ cond is, whether those witnesses must swear di-
‘ rectly to the fact; for instance, that they saw
‘ such a man murder another, or the like; or
‘ whether it may not be sufficient; that they swear
‘ to such circumstances, as infer a strong and vio-
‘ lent presumption, that such a fact was commit-
‘ ted by such a person? These things are left un-
‘ determined in that short law of the *Jews*; but are
‘ sufficiently determined by the nature of the thing;
‘ and by the laws of all nations, and particularly
‘ of our own. It is true indeed that in cases of
‘ high-treason, we have from political considera-
‘ tions determined, that there must be two positive
‘ witnesses, to some one or more overt acts of the
‘ same treason; but as to all other crimes, that
‘ equally affect the lives and estates of all the sub-
‘ jects of *England*, this is not the case; and men
‘ may by law lose their lives, when there is not so
‘ much as one positive witness to the fact. I beg
‘ leave to explain this in the words of my Lord
‘ Chief Justice Coke, (1 *Instit.* fol. 6.) *When a tri-*
‘ *al is by witnesses regularly, the affirmative ought to*
‘ *be proved by two or three witnesses; but when the*
‘ *trial is by verdict of twelve men, there the judg-*
‘ *ment is not given upon witnesses, or other kind of*
‘ *evidences,*

‘ evidences, but upon the verdict; and upon such
‘ evidence as is given to the jury, they give their
‘ verdict; and many times juries, together with other
‘ matter, are much induced by presumptions. And
‘ indeed, if no man could be convicted of mur-
‘ ther or robbery, or other crimes of that nature,
‘ but by two positive witnesses that saw the fact
‘ done; nothing would be easier or safer, than the
‘ commission of those crimes; and no man could
‘ have any security, either for his person or his
‘ estate: And therefore, if in cases of high-treason
‘ our law requires positive witnesses, it is not from
‘ any moral necessity, or point of conscience; but
‘ from political reasons, which must, and always
‘ will be, subject to the judgment of Parliament.

‘ Having now done with what was from the
‘ bar peculiarly applied to this bench, I now beg
‘ your Lordships leave to proceed more directly
‘ to the bill itself. And here two things are ne-
‘ cessary to be considered, in order to convince
‘ your Lordships, that it is a bill fit to be passed:
‘ The first is, the *lawfulness* of it; the second is,
‘ the *prudence* or *expediency* of it. As to the law-
‘ fulness of it, it will be necessary also to consider,
‘ first, whether your manner of proceeding in this
‘ bill be lawful? Secondly whether the Bishop be
‘ really guilty of the crimes charged upon him.

‘ As to the manner of proceeding, many things
‘ have been objected; that it is by way of bill,
‘ and not a trial in the course of law; that evi-
‘ dence has been admitted, that would not have
‘ been admitted in any of our courts; that these
‘ things are contrary to the liberty of the subject;
‘ that every subject has a right to the laws of his
‘ country; and that he has an injury done him,
‘ if he be denied the benefit of them: This I take
‘ to be the sum of what has been objected, a-
‘ gainst the justice of your proceedings in this
‘ bill.

‘ In

‘ In answer to these objections, I beg leave to
‘ consider, first, wherein the liberty of *England*
‘ consists; which is a point commonly pretty much
‘ mistaken. Many people are apt to imagine, that
‘ the difference betwixt us, and some of our neigh-
‘ bouring countries, is, that they are under abso-
‘ lute power, and we are not; whereas in truth all
‘ countries, that are supreme within themselves,
‘ have equally an absolute power; and in the na-
‘ ture of the thing it cannot possibly be otherwise:
‘ No government can subsist, if there be not a
‘ power in it, to change, to abrogate, to suspend,
‘ or dispense with its laws, as necessity or conve-
‘ niency shall require, which is what we call abso-
‘ lute power; and therefore, the difference betwixt
‘ one government and another, does not lie in
‘ this, that one has such a power and the other has
‘ not; but lies merely in the difference of the
‘ hands, in which this power is placed: Where
‘ this is placed in one hand, in the King, we call
‘ that an absolute monarchy: Where this is not
‘ solely in the King, but only as he acts in con-
‘ junction with the states of the kingdom, that
‘ we call a limited monarchy; and the people that
‘ live under such government, are called a free
‘ people; because they live under set laws, which
‘ could not at first be made, nor can after-
‘ wards be altered or dispensed with, but by their
‘ own consent: However, there is still in such
‘ countries, a power, equally above all their laws,
‘ as there is in the most absolute monarchy in the
‘ world. What I have said upon this first head,
‘ will in a great measure explain a second question:
‘ What that right is, which the subjects of this
‘ country have to its laws? which is in short, a
‘ right to claim the benefit of them against the
‘ crown, or any court acting under the crown, till
‘ the states of the kingdom, (which are virtually
‘ every man in the kingdom) think fit to consent
‘ to

‘ to the alteration of them. The King is indeed
‘ supreme, but his power is only according to the
‘ laws in being: By them he is bound to act, and
‘ if any of his officers act contrary to them, what
‘ they do is null and void; and they are punish-
‘ able for it; and the subjects have a claim of right
‘ against them: But if the King and his people
‘ think fit to come to a new agreement to alter
‘ any such law, there’s an end of all claim of right
‘ in the subject: The claim is taken away by their
‘ own consent; for, as I said before, every man
‘ in the kingdom virtually consents, to what is
‘ done by an act of Parliament. And there is an
‘ absolute necessity, that there should be such a
‘ power as this in every country; for the state of
‘ human affairs is so changeable, that it does not
‘ admit of any set of unalterable laws. What is
‘ good at one time may be destructive at another;
‘ and what is generally good, may, under parti-
‘ cular circumstances, require a dispensation by a
‘ proper authority. And here, give me leave to
‘ observe to your Lordships, the difference there is
‘ betwixt the eternal laws of justice and righteouf-
‘ ness, and all positive laws whatever. That as to
‘ the first, we are made for them, and the nearer
‘ we do in all things conform to them, the more
‘ noble and lovely, and excellent creatures we are:
‘ But as to positive laws, they are all made for
‘ us; and the more they conform to us, the more
‘ they obviate all our wants and difficulties; the
‘ more they answer to all our necessities, the better
‘ they are.

‘ As to what is complained of, that your Lord-
‘ ships have admitted evidence to be read, that
‘ would not have been admitted in the courts be-
‘ low: I conceive, that acting in the capacity you
‘ now do, you have a full power to do it, and
‘ have not broken any of the general rules of ju-

‘ justice by it. You have let in all the light, that
‘ you thought might be proper to give you a full
‘ knowledge of the matter; and in the capacity
‘ you now act, I cannot but humbly be of opinion,
‘ it was your duty to do so; but in forming of
‘ your judgments, I take for granted, that your
‘ Lordships will distinguish, and lay no more
‘ weight upon any thing than it deserves. As to
‘ the rules of receiving evidence in *Westminster-*
‘ *Hall*, I conceive, that they are no part of natu-
‘ ral justice, but only artificial rules framed for
‘ conveniency, and bind no courts, but as they
‘ have agreed to them, and so are become the cus-
‘ toms of the court. That these rules are no part
‘ of natural justice, appears from hence, that even
‘ among ourselves they are different in different
‘ courts: That those used in our courts, are very
‘ different from those used in other countries:
‘ That they differ here, according to the different
‘ causes or crimes that are to be tried. Nay, they
‘ are so far from being fundamental parts of jus-
‘ tice, that they must require a good deal of time
‘ and art to form them. And I am persuaded,
‘ that was a person of good natural sense, who
‘ knows nothing of the law, asked his opinion;
‘ he would be apt to think it to be a part of na-
‘ tural justice, that every person that prosecuted
‘ a cause in any court, should be at liberty to
‘ produce before that court, whatever he thought
‘ material to his cause. And there is no doubt,
‘ but that this was the original way of proceed-
‘ ing: But that in process of time, when courts
‘ came to have a good deal of business, and they
‘ found by experience, that this way of laying every
‘ thing before them, tended to lengthen causes (which
‘ was especially inconvenient where juries are con-
‘ cerned, who must end a cause before they part,)
‘ these rules were gradually found out, which,
‘ tho’

‘ tho’ they may be generally convenient ; yet, may
‘ sometimes hinder justice, by not suffering all the
‘ light to come into court, that may be material
‘ in the cause.

‘ I now come to consider the second and the
‘ main point of justice to be regarded in this bill ;
‘ which is, whether the Bishop be guilty or not,
‘ of the treasonable practices charged upon him in
‘ it. And in this, I shall be the shorter, because
‘ your Lordships have heard the evidence on both
‘ sides, and all that has been said from the bar by
‘ both sides upon it.

‘ The cause of *Kelly* is so connected with that
‘ of the Bishop, that I must beg leave to speak a
‘ few words to the one, before I proceed to the
‘ other. As to *Kelly*, I would observe in the first
‘ place, that one strong presumption of his guilt is,
‘ that, when he was first taken up, he resisted the
‘ officers ; that he seized his sword, and some papers
‘ that had been taken away from him ; and was
‘ resolute to burn those papers, tho’ with the ap-
‘ parent hazard of his own life, and being guilty
‘ of the murder of one of the officers that had
‘ seized him. In the next place, it is proved, that
‘ after he was taken up, the people at his lodg-
‘ ings burn’d the rest of his papers ; a plain evi-
‘ dence, that they who knew his manner of life and
‘ conversation, suspected that he was guilty. And
‘ this is agreeable to what *Neynoe* told the Chan-
‘ cellor of the *Exchequer* ; that there was at that
‘ time a general burning of papers. Thirdly,
‘ Another presumption of his guilt, is, that when
‘ he was taken up the second time, he offered se-
‘ veral sums of money, to the people of the house
‘ where he was in custody, to suffer him to escape,
‘ these things I mention, not as full proofs of his
‘ guilt, but as strong presumptions, that make
‘ every thing else that is sworn against him very
‘ credible. The chief evidences of his guilt, are,

‘ a great number of intercepted letters, both from
‘ him, and to him, containing treasonable matters.
‘ Those from him, are by several witnesses proved
‘ to be his hand-writing, particularly by the offi-
‘ cers of the *Post-Office*, who took them and trans-
‘ cribed them. And as to those to him, several
‘ witnesses have proved, that he gave orders at se-
‘ veral public houses to take them in, when they
‘ came from the post; that he himself received
‘ them from thence, opened, and read them: And
‘ it is also farther proved, that answers were re-
‘ turned to them in his own hand-writing. These
‘ things I take to be plain and strong evidences of
‘ his guilt.

‘ As to the person concerned in this bill, tho’ it
‘ be a great trouble to me, to think, that any Bi-
‘ shop of this church should be guilty of so foul a
‘ crime, as that objected to him; yet, I cannot
‘ but be of opinion, that if he be really guilty, the
‘ interest of our church, as well as justice to our
‘ King and country, do require, that he should be
‘ convicted and punished. And indeed, I cannot
‘ but be of opinion, that whoever believes *Kelly*
‘ to be guilty, must believe the Bishop to be guilty
‘ too. I shall not insist upon what is called hear-
‘ say evidence, tho’ there be a great deal of it a-
‘ gainst the Bishop; only must observe, that the
‘ conduct of a protestant Bishop must have been
‘ very odd and unaccountable, if he be innocent;
‘ that so many Jacobites, (as have done in this
‘ case) should declare, that they not only esteemed
‘ him to be in the plot, but to be the chief con-
‘ ductor of it. It is however fit to say something
‘ as to the case of *Neynoe*; because the Bishop and
‘ his counsel have taken up so much of your Lord-
‘ ships time, and produced so many witnesses to
‘ prove him a knave. I did indeed myself always
‘ think him to be a knave, and that nothing that
‘ he said was to be believed, merely upon his au-
‘ thority;

‘ authority ; but on the other side, the testimony of
‘ the greatest knave in the world, may be taken
‘ against himself ; and they themselves have prov-
‘ ed, that he was a Jacobite, and thoroughly in
‘ that interest, even when he was making some
‘ discoveries against them ; and therefore, what he
‘ says, in that respect bears some weight, as being
‘ against persons whom he favoured, and would
‘ hurt as little as possible : Some other things that
‘ he said are also confirmed by concurrent circum-
‘ stances, and other discoveries ; and these may
‘ have their weight, tho’ he were never so great
‘ a knave. One of the things that he said in his
‘ confession, was, that he frequently went with
‘ *Kelly* to the Bishop of *Rockester*’s, and left him
‘ there, (as *Kelly* told him) to write his letters.
‘ This is confirmed by a credible witness at your
‘ bar, who swears, that *Neynoe* used to be fre-
‘ quently at his house, and told him, at least three
‘ or four times, that he waited there for a sensible,
‘ ingenious Gentleman, that was gone about busi-
‘ ness to the Bishop of *Rockester*. He did not in-
‘ deed tell him the name ; but the thing seems to
‘ me to look stronger than if he had ; because, it
‘ would have looked more like a piece of art and
‘ contrivance, to have told the name of a man,
‘ whom he knew to be gone to the Bishop about
‘ a criminal correspondence. I only beg leave
‘ to take notice of one thing more, relating to
‘ *Neynoe* : The Bishop’s witnesses have fully pro-
‘ ed, that *Neynoe* told them, that the Chancellor
‘ of the *Exchequer* had given him several sums of
‘ money, to endeavour to get out of *Kelly*, the
‘ explication of the cant names that were used in
‘ the correspondence ; and that he had promised
‘ him much greater sums, if he would go to *France*,
‘ and get it out of *Dillon*, and the Jacobites there :
‘ The inference from which I take to be very plain,
‘ that the court did not then know, who the per-
‘ son

‘ sons were, that were designed by those cant names ;
‘ and that they did believe that *Kelly* did know, and
‘ that *Dillon* and the Jacobites in *France* knew too ;
‘ which effectually and fully confutes the suggestion
‘ of the Bishop, of which he did not bring the least
‘ proof, that the plot was a contrivance of persons
‘ in power.

‘ The next thing I beg leave to take notice of, re-
‘ lating to the Bishop, is a letter, (taken among his
‘ papers) from a Lady of great quality ; of which
‘ the Bishop, tho’ it was objected to him by the
‘ counsel for the bill, has taken no notice ; which I
‘ conceive he would and ought to have done, had it
‘ been possible to give any fair account of it. The
‘ Lady (the Dutcheſs of *Ormond*) in that letter tells
‘ him, *that ſhe ſent ſomething that ſhe had received, ſhe*
‘ *could not tell for whom ; but let it be for whom it*
‘ *would, ſhe thought he might be truſted, and that it*
‘ *could not be put into better hands*: A ſtrong ſuſpicion
‘ this, conſidering all circumſtances, that here was a
‘ correſpondence by cant names, which the Lady did
‘ not certainly know, but believed the Bishop might ;
‘ or however, that he was in all events a perſon to
‘ be truſted.

‘ Another very ſuſpicious circumſtance againſt the
‘ Bishop, is, the letters from captain *Halſtead* ; and
‘ what has been proved at your bar, that this ſame
‘ captain *Halſtead*, a little before he went in his ſhip
‘ to fetch over the Duke of *Ormond*, waited upon the
‘ Bishop, and ſtayed with him an hour. This thing
‘ indeed directly proves nothing ; but all things con-
‘ ſidered is very ſuſpicious, and the more ſo, becauſe
‘ the Bishop has given no account, either of his ac-
‘ quaintance with him in general, or of the particu-
‘ lar reaſon of that viſit, at a time that leaves ſo much
‘ ground to ſuſpect the worſt. The next particular
‘ that deſerves your Lordſhips conſideration, is, the
‘ letter to *Dubois*, found among the Bishop’s papers,
‘ when he was taken up, and ſealed with the ſame

‘ ſeal

‘ seal with that letter taken upon the Bishop’s servant,
‘ which he confesseth to be his own hand-writing. It
‘ is not indeed proved, that the letter to *Dubois*, is the
‘ hand-writing of the Bishop; but any body that
‘ reads it, will easily be persuaded, that it is not the
‘ natural and ordinary way of writing of any person;
‘ but a disguised hand like a print; except only some
‘ few letters, which escaped the care of the writer,
‘ and are very like those of the Bishop. But after a
‘ long examination, it appears plainly, that the seals
‘ are the same, and that the one could not be coun-
‘ terfeited from the other; because, the first letter
‘ was originally taken with the seal broken, and was
‘ in the possession of the house of Commons when the
‘ second letter was taken upon the Bishop’s servant:
‘ It appears plainly by this letter to *Dubois*, that the
‘ person who wrote it, was in a secret and dangerous
‘ correspondence; that he was an acquaintance of
‘ Mr. *Johnson*, or *Kelly*, that he received letters by
‘ his hand, and wrote an answer in his hand: How
‘ far all these circumstances taken together, prove
‘ the Bishop to be the author of this letter, I submit
‘ to your Lordship’s judgment; for my part, I think
‘ they do; especially considering, that the Bishop
‘ has given no account of it.

‘ I now proceed to the principal charge against
‘ the Bishop, the dictating to Mr. *Kelly* the three let-
‘ ters of the 20th of *April*, signed, one, by the name
‘ of *Jones*; another, by the name of *Illington*; the
‘ third, by the figures 1378; which the decyphers
‘ explain by the letter R. The first, directed to
‘ Mr. *Chivers*, or *Dillon*; the second, to Mr. *Muf-*
‘ *grave*, or Lord *Marr*; the third, to Mr. *Jackson*,
‘ or the *Pretender*.

‘ It may be proper, before I take notice of the
‘ proofs, that the Bishop did really dictate these let-
‘ ters, to take notice of an objection with respect to
‘ the time; the letters are dated the 20th of *April*,
‘ and the Bishop has produced five or six of his ser-

‘ wants, who swear, that about that time he was so
 ‘ very ill, that he could not write himself; and that
 ‘ he did not see any person, to whom he could dic-
 ‘ tate these letters. To this it may be replied; that
 ‘ it does not appear, that all the servants which the
 ‘ Bishop then had, were produced before your Lord-
 ‘ ships; and you cannot but be sensible, that treaso-
 ‘ rable practices are commonly carried on in a very
 ‘ secret way; and it appears, that the Bishop’s cor-
 ‘ respondence with *Kelly* has been so carried on; for
 ‘ tho’ there is plain evidence, that they were fre-
 ‘ quently together, and that they were acquainted is
 ‘ confessed, both by the Bishop and *Kelly*; yet,
 ‘ scarce any one of the servants produced, would
 ‘ confess, that ever they had seen *Kelly*, or heard of
 ‘ the name of *Johnson*, which was the name by which
 ‘ he went. In the next place, none of these wit-
 ‘ nesses prove, that the Bishop was so bad that
 ‘ he could see no company, till about the 16th or
 ‘ 17th of *April*; and it’s very probable, that the let-
 ‘ ters must have been dictated so long, if not longer,
 ‘ before the 20th, on which they are dated; because
 ‘ *Kelly* was to transcribe and put ’em into cypher,
 ‘ which is a work of time and care; and perhaps, af-
 ‘ ter all, they might be designedly post-dated, that
 ‘ the Bishop finding himself going into a great fit of
 ‘ the gout, might have all that to plead which your
 ‘ Lordships have heard, if the matter should ever be
 ‘ called in question. Upon all these considerations, I
 ‘ cannot but think it very clear, that the Bishop might
 ‘ have dictated these letters: We are now therefore to
 ‘ examine, whether he did or no.

‘ The first thing that brought any light into this
 ‘ matter, was the small accident of a dog being sent
 ‘ from *France*, which, by the intercepted letters, ap-
 ‘ peared to be sent to one that went by the names of
 ‘ *Jones* and *Illington*. When Mrs. *Barnes* was exa-
 ‘ mined before the council, upon *Kelly*’s being taken
 ‘ up, she was upon the reserve, and would confess
 ‘ nothing

‘ nothing that she thought might tend any way to hurt
‘ *Kelly* ; but being asked about this little dog, who it
‘ was for, she readily answered that *Kelly* had told
‘ her, it was for the Bishop of *Rocheſter* ; which she
‘ has ſince confirmed by oath at the bar of this houſe.
‘ This little accident, not ſuſpected at the time of
‘ the diſcovery, to be of any conſequence, has given
‘ occaſion ſince, to look into ſo many circumſtances,
‘ as plainly bring the matter home to the Biſhop.
‘ And indeed, if all the particulars in the intercepted
‘ letters be compared, with thoſe things that are in
‘ proof with reſpect to the Biſhop, I believe your
‘ Lordſhips will be of opinion, that they cannot all
‘ belong to any one perſon in the world beſides him-
‘ ſelf. In the firſt place, ſince it proved that *Kelly*
‘ wrote theſe letters, the perſon who dictated ’em
‘ muſt have been an acquaintance of *Kelly*’s ; it is con-
‘ feſſed on all hands that the Biſhop was ſo. In the
‘ next place, it is implied in one of the intercepted
‘ letters, that the perſon that went by the name of
‘ *Jones* and *Illington*, was a clergyman ; ſo far ſtill
‘ agrees to the Biſhop. Again, this perſon is men-
‘ tioned in all the intercepted letters as a perſon of
‘ great conſequence and credit, upon whoſe advice
‘ the party very much depend : And indeed, the very
‘ air and manner of writing the three letters, plainly
‘ ſhew that the perſon who wrote ’em, thought him-
‘ ſelf ſo ; this alſo agrees with all the other diſcove-
‘ ries about the Biſhop : Were there no other parti-
‘ culars but theſe, it will be hard to imagine that
‘ they could well belong to any other perſon ; but
‘ if we conſider farther, that this *Jones* or *Illing-*
‘ *ton* came to town ſuch a day of the month, went
‘ out of town ſuch another day of the month, came
‘ back again to town ſuch another day, was him-
‘ ſelf ſick at ſuch a time, that his wife was ſick
‘ at ſuch another time, and that ſhe died at ſuch
‘ a time ; all which are in evidence with reſpect to
‘ the Biſhop ; if we do, I ſay, conſider all theſe
‘ circum-

‘ circumstances together, it will plainly appear that
‘ they can belong to no other man in the world but
‘ the Bishop.

‘ After this, I humbly apprehend nothing need be
‘ said; however I beg leave just to mention some-
‘ thing relating to the letter, that was taken upon the
‘ Bishop’s servant; by the whole air of which letter,
‘ it looks, as coming from a person who did not e-
‘ steem himself to be innocent, but who thought,
‘ that nothing could be legally proved against him;
‘ and therefore there is not one word of his innocence
‘ in it, which is the first thought that must naturally
‘ have come into the head of any one that really was
‘ so: He writes wholly with the air of a man that
‘ had been used to intrigues; speaks of the concern
‘ that his friends should have for him and the *Cause*;
‘ discourses largely about the kind of evidence that
‘ was against him; takes notice in particular of what
‘ cannot affect him; *If* (says he) *the narrative* (or
‘ report) *relates chiefly to Neynoe’s, Sample’s, and*
‘ *Layer’s affairs, so far it cannot affect me; for I ne-*
‘ *ver heard of the name of either of the three, till after*
‘ *this plot broke out.* It is plain by these words, that
‘ he did not then know what was in the narrative a-
‘ gainst him; but he is very sure that neither *Ney-*
‘ *noe*, nor *Sample*, nor *Layer* could affect him. Could
‘ an innocent man have thus distinguished, and could
‘ not they have affected him as much as any body
‘ else, if he really was innocent? Nothing can affect
‘ such a person but forgery, and that may come
‘ from any quarter; but in the whole letter he does
‘ not express the least suspicion of forgery, and yet this
‘ is the first thought that must naturally have come
‘ into the head of an innocent person; I beg leave
‘ to hint at this one thing more, that as he says that
‘ these three persons could not affect him, because he
‘ never knew ’em; so accordingly they have not
‘ affected him, or said any thing of their own know-
‘ ledge

ledge about him ; which is one good evidence, that
what is said against him is not forged, but real.
Having spoken to the *Justice*, I shall be shorter
upon the next head, which is the expediency or
prudence of this bill. Had there been what we call
legal evidence against the party concerned, your
Lordships, I take for granted, would not easily
have gone into this extraordinary method of pro-
ceeding ; for tho' it cannot be doubted but that the
Parliament have this power, whenever they think
proper to make use of it ; yet I do agree with the
noble Lords, that it is a power not fit to be used, but
where and when the public good requires we should
use it, which I humbly conceive is the case at pre-
sent. A most dangerous plot against the govern-
ment has been discovered ; a great number of let-
ters and papers relating to it, have been laid before
the two houses of Parliament ; these have been
printed and published by order of both houses :
The eyes, not only of our own country, but of all
Europe, are upon us, to see what we will do :
Though the evidence of a plot in general, be as
clear as the light ; and the evidence against several
particular persons very plain ; yet, as our laws are,
it is not what we call legal evidence : The parties
concerned will make no confession, and we have
not the methods used in all other countries, to ex-
tort confession from them : What then ? Shall we
see our *King* and *Country* in danger, and do nothing
for them ? Shall conspirators go on with total im-
punity, only because they are obstinate, and artifi-
cially screen themselves behind the law ? I doubt,
my Lords, that if this prove the case, we shall ap-
pear ridiculous in the eyes of all the world : That
our friends and enemies both at home and abroad
will think, that we have no zeal for the preservation
of our King and government ; and if once they do
think so, your Lordships cannot but be all sensible,
how this must encourage our enemies and discour-
rage

‘ rage our friends, and bring us into that contemptible
‘ state, in which no government was ever long supported.
‘ But a noble Lord has been pleased to observe,
‘ that the best way to serve the government, is to do
‘ popular things, and by that to procure the love of
‘ the people. I perfectly agree in this, and cannot
‘ but be of opinion, that this government has done
‘ so, as far as it has been able: Our religion has been
‘ preserved; justice has been equally administered to
‘ all sorts of people; none of our rights or liberties
‘ have been invaded; we have lived at peace at
‘ home, while many other countries have suffered all
‘ the miseries of war; these are, or I am sure should
‘ be, esteemed popular things: And if some other
‘ things, which might have been for the good of the
‘ people, have not been done; it has been the fault
‘ of those that complain most, and not of the go-
‘ vernment. And if there be discontents now in the
‘ kingdom, it’s plain that the foundation of them was
‘ laid long ago by the enemies to our present happy
‘ settlement: For I am perswaded, that the discon-
‘ tents were higher and greater within four months
‘ after the king came to *England*, and shewed them-
‘ selves much more, in a number of rebellious riots
‘ and tumults, than any thing that appears at pre-
‘ sent, and yet nothing then could be objected to the
‘ government, but that some persons were not prefer-
‘ red, who both before and since have made it too
‘ plain that they were not fit to be trusted. But as
‘ it is the duty of those in power, to do all the popu-
‘ lar things they can; so, I must beg leave to ob-
‘ serve, that it is the duty of all the subjects, (and the
‘ greater they are, the more it is their duty) to put
‘ the best interpretation upon the actions of the go-
‘ vernment, that things will bear; not to misrepre-
‘ sent; not to put false colours upon things; and
‘ much more not to invent lies and slanders, and dis-
‘ perse ’em up and down the kingdom, in order to
‘ alienate the affections of the people: These things
‘ have

‘ have been done, and done with great care and diligence, and by some too, who would take it very ill to be called Jacobites. These are the chief causes of the disaffection among us, and indeed of all the real grievances we labour under. Is the King forced to put the nation to charges, to keep up a greater number of forces than otherwise would be needful? It is intirely owing to this cause. Are our debts not paid? Is our credit not so good as we would be glad to have it? Let this artificial raising of discontents once cease, and these things will quickly mend of themselves. Indeed, were this time for it, I think it might plainly be proved, that the debts we labour under had never been contracted, but for this absurd discontented humour: Nay, it is to this, that we entirely owe the danger we are in from this very plot; for it’s very plain from all the intelligence we have about it, that it was carried on upon the confidence, that all discontented persons were Jacobites; and tho’ the conspirators did in this greatly deceive themselves; yet it’s certain, that they built their hopes upon this foundation.

‘ But it’s farther said by the same noble Lord, that this extraordinary way of proceeding, will not procure friends to the King, but will rather anger and provoke, and so hurt his interest instead of helping it. To this I answer, that I do indeed suspect, that many people will be angry; as I hear the Jacobites through the kingdom are: A plain evidence this, that they do not think that the friends of King *George* are worrying one another; for they would not be angry at that. Those that most desire to destroy our liberties, are become, upon this occasion, the great patrons of liberty; as indeed they have been in a great measure ever since the revolution, when any thing has been proposed for the support of the government. No sooner were their schemes of arbitrary power in the time of King *James* overturned, and a new government
‘ settled

settled which they did not like ; but they, in order to destroy it, set themselves against every thing that was necessary for its defence, under the colour of liberty ; that is, they desired to have their own hands as loose as possible, to hurt it ; and the hands of the government as much tied up as possible, that it should not be able, either to hurt them, or defend it self. Thus at present, they clamour against the additional forces, though established by Parliament ; and against all methods, either to discover or punish the conspiracy. And they judge right in this for their cause, because, if they could have carried these points to their mind, they might then be more free in carrying on their plots, and with less danger put them in execution. For these reasons I take for granted, that all these people will be angry ; but I cannot but be of opinion that it is much better they should be angry with us for defending ourselves ; than that they should, first sneer at us, as fools for neglecting our defence ; and then be able more easily to undo us.

As to others, that possibly may be displeased at what we are now doing, I would hope, that a little time and consideration will set them right, and convince them, that it is not only just, but (all things considered) necessary to be done ; because, if the Parliament do, upon this occasion, shew their zeal in the defence of the government, it will animate and give courage to the friends of it, both at home and abroad. Foreign powers will be apt to court the friendship of a Prince, at the head of a mighty kingdom ; if they see, that he and his posterity are like to continue there : All the affairs of the kingdom, which respect them, will be managed with more ease, with more honour, and with less expence ; and they will be inclined, not to foment, but to discover plots, if they come to their knowledge.

But

‘ But on the contrary, if we give them any reason
‘ to suspect, that we look another way, they will
‘ quickly do so too, and strive which shall be for-
‘ wardest to help the Pretender to involve us in
‘ blood and ruin. And as to the subjects at
‘ home, I would only observe, that all mankind
‘ are apt to shew most zeal for a government,
‘ when they think it safe, and like to stand, and
‘ be able to protect them: But to suspect the con-
‘ trary, is a most dangerous temptation to the fide-
‘ lity of subjects, as has been seen by the expe-
‘ rience of all ages. And therefore I hope, that
‘ your Lordships will, by your unanimity and
‘ zeal in this matter, effectually convince the world;
‘ that the danger does and shall lie, in opposing,
‘ and not in defending the present government.

‘ I hope what I have been saying, has con-
‘ vinced your Lordships, both of the justice and
‘ prudence of this bill; give me leave to observe
‘ that your moderation has been very great too,
‘ both in giving so full and fair a hearing, and in
‘ making the penalties so much less than the crimes
‘ deserve. It is not above a year since the plot
‘ was first discovered; a plot of a most desperate
‘ nature, to seize the persons of the King and
‘ Prince, and to bring in a popish Pretender upon
‘ us. The execution of which, was to be begun
‘ by seizing the *Tower*, and attacking the city of
‘ *London* on all sides; and was thence to spread
‘ it self into all parts of the kingdom. Lord!
‘ what confusion, what murthers, what plunder-
‘ ing, what burnings must this have caused?
‘ Whatever had been the issue, the very attempt
‘ must probably have occasioned the sacking and
‘ burning of this great city: The utter loss at once
‘ of all public credit: The murder of infinite
‘ numbers of people: The astonishment and amaze-
‘ ment, and undoing of almost all, but of those
‘ vile wretches who would have had the plunder-
‘ ing

‘ ing of all sides: If it had gone on, how many
 ‘ of the noble Lords that I now see, would have
 ‘ been before this in their graves? But I forbear
 ‘ going any farther in this tragical representation,
 ‘ and desire only to observe; that though it has
 ‘ been discovered about a year, how very little of
 ‘ it we yet know; and I do appeal to your Lord-
 ‘ ships consideration, who know the state of the
 ‘ world very well, whether there be any country
 ‘ in it, either bond or free, which, had they dis-
 ‘ covered but a fifth part of what we know of a
 ‘ plot of this nature, would not in a week’s time
 ‘ have found means to get to the bottom of it.
 ‘ However, my Lords, I still commend your mo-
 ‘ deration; and no hope, that we shall never find
 ‘ reason to repent of it, and that this little which
 ‘ is now doing, will be a warning to conspirators,
 ‘ not to provoke farther the patience of an injur-
 ‘ ed nation. I doubt not but upon this and all
 ‘ other occasions, your Lordships will be ready to
 ‘ stand by a wise, and a good, and a merciful
 ‘ Prince; and that you will, according to your
 ‘ oaths, defend him, against all treasons, and trai-
 ‘ terous conspiracies whatsoever. And in the last
 ‘ place, give me leave as a christian and a prote-
 ‘ stant Bishop, to hope, you will do your best,
 ‘ that a popish Pretender may never be set at the
 ‘ head of this protestant church: One, who must
 ‘ think himself bound in conscience to destroy it,
 ‘ and instead of that pure religion which we now
 ‘ enjoy, bring in horrible superstition and idolatry,
 ‘ nonsense and tyranny; attended with all the sad
 ‘ calamities, which popish Princes always have
 ‘ brought, and always must bring upon prote-
 ‘ stant countries.

The other speeches in the house of Lords upon this
 occasion, will be inserted in the ninth volume.

APPENDIX.

THE FIRST REPORT

Of the *Committee of Secrecy.*

THE Committee of secrecy appointed to inquire into all proceedings relating to the execution of the act passed last session of Parliament, (intituled, *an act for enabling the South-sea company to encrease their present capital stock and fund, &c.*) have endeavoured, with continued application, to discharge the trust reposed in them. At the entrance into their inquiry, they observed the matters referred to them were of great variety and extent. Meny persons were intrusted with different parts in the execution of this law, and under the colour thereof acted in an unwarrantable manner, in disposing of the properties of many thousands of persons, amounting to many millions of money.

In the progress of their inquiry your Com. found it attended with many difficulties.

In some of the books produced before them, false and fictitious entries were made; in others, entries with blanks; in other entries with razures, and alterations; and in others, leaves were torn out. They

found farther, that some books had been destroyed, and others taken away or secreted; nevertheless, your Com. are enabled to lay some matters of importance before the house for their present consideration.

The first matter that offered it self to the consideration of your Com. was a scene of iniquity and corruption, the discovery of which your Com. conceived to be of the highest importance to the honour of Parliaments, and the security of his Majesty's government.

Your Com. observed, in the account laid before the house by the court directors of the *South-sea* company, pursuant to your order of the 12th day of *December*, that the company were therein supposed to have received the sum of 1,259,325*l.* upon account of stock sold to the amount of 574,500*l.* stock: Whereupon your Com. ordered the company's cash book to be laid before them, and upon inspection thereof, they found (at fol. 120, and 121.) the several entries of stock, as sold for the company, annexed at the end of this report, No. 1. the total of which entries amount to the said sums of 574,500*l.* in stock, and of 1,259,325*l.* in cash; but it is very observable, that from the article of the 4th of *February*. 1719, unto that of the 12th of *April* 1720, both inclusive, there is no mention made of the name of any person whatsoever, to whom the stock is supposed to be sold.

The whole accounts comprehended in these two pages of the cash book, and entered in this concealed manner, appear, nevertheless, to have been stated and balanced by the company's Com. of treasury, without expressing the day when such accounts were stated, and are subscribed by Sir *John Fellows*, then sub-governor, Mr. *Charles Foye*, then deputy-governor, Sir *Lambert Blackwell*, Sir *Robert Chaplin*, Sir *Theodore Janssen*, Mr. *Jacob Sawbridge*, and *Stephen Child*, then directors, all of them of the said Com.
and

and Sir *Robert Chaplin*, Sir *Theodore Janssen*, and Mr. *Sawbridge*, at that time members of this house.

Your Com. upon this occasion, take the liberty to remind the house of a remarkable period in the last session of Parliament; that upon the 2d of *February*, 1719. the house agreed to the report of the Com. of the whole house, appointed to consider of that part of his Majesty's speech, which related to the public debts, that the proposals made by the *South-sea* company should be accepted, and ordered a bill to be brought in pursuant to the said resolution, which bill having passed this house, and afterwards the house of Peers, had the royal assent upon *Thursday* the 7th of *April*, 1720.

Your Com. surprized to see so large an account of stock disposed of by the company, before the passing the bill to enable the company to increase their capital stock and fund, and before any subscription or redemption could be made, whereby their capital stock was increased, proceeded to examine carefully into that transaction.

And upon examination of the late sub and deputy-governors, and the late directors of the *South-sea* company, Mr. *Robert Knight*, then cashier, Mr. *Robert Surman*, then deputy cashier, Mr. *John Grigsby*, then accountant, Mr. *Charles Lockyer*, then second accountant, and Mr. *Matthew Weymond* sold broker, it manifestly appeared to your Com. that the company at that time was not possessed of such a quantity of stock, whereof they could then make an actual sale and transfer, the company having at that time, in their own right, only a small quantity of stock, not exceeding 25,000 *l.* or 30,000 *l.* at the most. And upon the inspection of the transfer books of that time, as well as upon examination of the before-mentioned persons, your Com. cannot find any transfers made by the company, of any part of that great quantity of stock, at the times specified in the cash-book, (excepting to the Duke of *Portland*, the

Lord *Delaware*, and the honourable *John West*, Esq; who sold their annuities to the company) and no account of any transfers of such stock has as yet been given into this house, although by your order of the 17th of *December* last it was expressly required.

Upon farther examination of the persons before-mentioned, your Com. discovered, that this supposed sale of stock was colourably entered in the book for the benefit of persons, whose names were designed to be concealed, with intention to make an interest in favour of the company, and to facilitate the acceptance, of the *South-sea* proposals, and the passing of the bill, which were at that time depending in Parliament. And to that end, the late sub and deputy governors, Sir *John Blunt*, Mr. *Gibbon*, Mr. *Chester*, and Mr. *Holditch*, late directors, who had the care of soliciting the passing the bill, together with Mr. *Knight* the cashier, had the power of disposing of this stock.

And the general method by which this practice was carried on, was thus,

This stock was set down as sold at several days, and at several prices, from 150 *l. per cent.* to 325 *l. per cent.* and was from those times to be esteemed as taken in, or holden by the company, for the benefit of the pretended purchasers, although no mutual agreement was then made for the delivery, or acceptance of the stock, at any certain time, and although no money was paid down, nor any deposit, or other security, given to the company for payment, by the supposed purchasers: So that if the price of stock had fallen, as might be expected if the scheme had miscarried, no loss could have been sustained by them; but if the price of stock should advance (as it actually did by the success of the scheme) the difference by the advance price was to be made good to the pretended purchasers; and accordingly the account of such stock was made up, and adjusted with Mr. *Knight*, and the money arising by the difference of the

the price between the times of such taking in, or holding of the stock, and the making such adjustments, was paid, or allowed, out of the company's cash, to the pretended purchasers; but no entries of such adjustments, or of names of the persons with whom the said were made, appear to your Com. in any of the books of the company.

Sir *Theodore Janssen* affirmed, that when the said account in the cash book was laid by Mr. *Knight* before their Com. of treasury, to be passed and signed, an objection being made, that blanks were left for the buyers of this stock, the late sub-governor, and Mr. *Knight*, said, there were reasons for passing the account in that manner, and that the stock was disposed of to persons whose names were not proper to be known to a great many, but at a fit time a perfect account thereof should be made up, and that if the bill did pass the stock would be well fold.

Mr. *Robert Surman* declared, that about the 3d of *April*, 1720, Mr. *Knight* the cashier, shewed him that account of stock sold in the cash-book (*Fol.* 120, and 121) and told the examinant, that there was a Com. appointed to look into the state of the cash that night, and that he (Mr. *Knight*) having thereby charged himself with the value of so large a quantity of stock sold, would appear to have a great sum of money in his hands, which he really had not, and therefore said, he would write off a supposed sum of 800,000*l.* as lent by the company to sundry persons upon 400,000*l.* stock, and Mr. *Knight* did then accordingly enter the same with his own hand (*Fol.* 120.) of the said cash-book, in the following words,

“ 1720. *April* 3.

“ By loan to fundrys on security of } *l.*

“ 400,000 *l.* *South-sea* stock, at an } 800,000

“ interest of 5*l.* per cent. per annum. }

That Mr. *Robert Surman* farther declared, he did not know that any part of the said money was really lent, but the entry was made to that effect by Mr. *Knight*, with an intention to answer in part the account of stock sold: he believed also that the entry in the same book was written by Mr. *Knight*, as follows, (*Fol. 121.*)

“ *April 14.*

“ By account of loan on <i>South-sea</i>	} 250,000
“ stock, lent to fundries on security	
“ of 100,000 <i>l.</i> stock at 250, at an	
“ interest of 5 per cent. per annum,	

As to the greatest part, if not the whole of that sum, it was entered with the same view; and the examinant at that time took it, that this stock entered as sold in in the cash-book, was not paid for, and for that reason Mr. *Knight* entered these sums of 800,000 *l.* and 250,000 *l.* as actually disbursed, to help to make a balance upon the account, as it now stands in the cash-book.

That the examinant observing the said entry of stock sold, Mr. *Knight* told him, that it was a transaction of a private nature, and that a great part of it was disposed of to persons of distinction.

Mr. *Astell*, one of the late directors, likewise declared, that he believed the said article of loan of 800,000 *l.* on 400,000 *l.* stock, was entered as a blind to answer the account of receipts on the other side of the cash-book, for that he could not find any minute thereof in the other books of the company.

Mr. *Stephen Child* said, that he took the articles of stock bought and sold in the cash-book, to be fictitious, and to be entered in that manner merely to make a balance.

Whilst your Com. had this matter under examination, viz. upon the 27th day of *January* last, the court of directors (pursuant to your order of the 17th of

of *December* preceding, requiring a particular account of this stock sold, and by whom, and to whom transferred) laid before this house a book, containing an account of stock sold, as they received it from their Com. of treasury, without mentioning that any part of such stock was actually transferred.

And your Com. examining into that account, *Sir John Blunt* (from whom your Com. received the first material informations) the late sub and deputy-governors, *Mr. Gibbon*, *Mr. Astell*, *Mr. Chester*, late directors, and *Mr. Robert Surman*, informed them, that they believed, and that it was generally so understood among the directors) that the said account laid before this house, is not a true account; and that there are many fictitious names therein, as the names of several brokers and others, which are made use of to cover the names of other persons, who had the real benefit of such stock, and who nevertheless are not mentioned in that account, but that the names of persons of distinction or condition therein contained are real.

Mr. Astell declared, that pressing *Mr. Knight* upon the repeated orders of the directors to make up the account of this stock, *Mr. Knight* answered, that he could not comply with these orders, without giving up forty or fifty of the company's best friends.

Mr. Robert Surman gave your Com. a farther explanation of the framing this account, as follows.

That since the order of the house requiring this account, he assisted *Mr. Knight* in preparing a draught thereof, and by *Mr. Knight's* direction, he wrote down several names, which *Mr. Knight* read to him out of a book with a green cover, wherein *Mr. Knight* had kept an account of this stock entered in the cash-book of the company, and also of subscriptions, but believed *Mr. Knight* did not give him all the true names, because *Mr. Knight* sometimes turned over a leaf or two without giving him a name, altho' there were in those leaves names of

persons with whom an account was there entered. And Mr. *Surman* farther said, that he remembered, that in the same book, at the head of a large account, wherein the debtor side came near to the bottom of the page, he saw, the name of *John Aislabye*, Esq; late Chancellor of the *Exchequer*, but Mr. *Knight* turned over that leaf, and did not give him that name to insert in the account.

That at the head of another account, in the same book, he saw the name of *James Craggs*, Esq;

That at the head of another account in that book, he saw the name of *Charles Stanhope*, Esq;

All which were accounts of stock and subscriptions, but Mr. *Knight* left out all these names in this account; and after it was thus drawn out from the green book, and from some letters which Mr. *Knight* then delivered to this examinant, the sums not coming right, Mr. *Knight* made several alterations in the names and prices, and inserted other names and prices to frame the account in the manner it now appears.

Mr. *Francis Hawes*, one of the late directors, likewise declared, that about the time of making the last *Midsummer* dividend, Mr. *Knight* informed him, that he (Mr. *Knight*) held stock for *John Aislabye*, Esq; and that he had an account of stock depending with Mr. *Aislabye*, and the examinant believed that such stock had been taken in some time before, and that Mr. *Knight* held such stock with the company's money.

And the examinant added, that he believed the reason of entering the 574,500 *l.* stock sold in the cash-book, was to give persons an opportunity of having stock at low prices, and that great part of the stock sold was disposed of for the forwarding the bill.

Your Com. proceeding to examine Sir *John Blunt*, concerning the disposal of the fictitious *South-sea* stock before-mentioned, he acquainted them, that the latter end of *February*, or the beginning of *March* last, Mr. *Knight* told him, and (as he remembered) the
late

late deputy-governor, Mr. *Gibbon*, and Mr. *Chester*, that Mr. *Craggs* the post-master desired to have 80,000*l.* stock bought, or taken in, at the current price, viz. 50,000*l.* for the Earl of *Sunderland*, or his friends, and the remaining 30,000*l.* for Mr. *Craggs*, or his friends: That this request was complied with, and 80,000*l.* of the company's stock was directed to be applied accordingly, which the examinant takes to be part of the sum of 113,000*l.* entered into the company's cash book as sold on the 27th day of *February* 1719, at 175*l.* per Cent. That no money appears to have been paid for the above-mentioned 80,000*l.* But Sir *John Blunt* said that some time in *March* Mr. *Knight* shewed him a note for the 50,000*l.* stock, signed *Sunderland*, which Mr. *Knight* said was the Earl of *Sunderland's* hand, and the examinant believed it to be so, having seen his Lordship's hand to treasury-warrants and orders. The note, to the best of his remembrance, was to the effect following. That whereas Mr. *Knight* had bought several parcels of *South-sea* stock for the Earl of *Sunderland*, the particulars of which were therein specified, amounting in the whole to 50,000*l.* stock, at several prices, the money payable for which amounts to more than 80,000*l.* his Lordship promised to pay the said money, with interest, at a certain time therein mentioned: That since the beginning of this session of Parliament, the examinant and Mr. *Knight* discoursing about the companys fictitious stock, and particularly concerning the Earl of *Sunderland's* part of it, the examinant asked how he would conceal that? Mr. *Knight* replied, he would go thro' thick and thin rather than discover it. That the examinant does not know of any money paid, or note, or other security, given by Mr. *Craggs* for the 30,000*l.* residue of the 80,000*l.* stock.

Mr. *Edward Gibbon*, another of the late directors said, that Mr. *Knight* told him, that some time in
February,

February, 1719, he was to supply and furnish the Earl of *Sunderland*, with 50,000*l.* stock, at between 170 and 180*l.* per Cent. which was the price of stock at that time.

Mr. *Joye*, late deputy-governour declared, that Mr. *Knight*, about ten or eleven months since, told him, that 100,000*l.* stock must be reserved for Mr. *Craggs* of the post-office, in trust for others; whereupon the examinant asking, what! for my Lord *Sunderland*; he replied, not for himself, but his friends. Mr. *Joye* said farther, that Mr. *Knight* told him since the inquiry began, that the sum promised to Mr. *Craggs* was but 30,000*l.*

The before named *James Craggs*, Esq; being examined, said, that he never did apply to Mr. *Knight*, or any other person whatsoever, to have any of the company's stock, or to have any stock taken in for him by the company.

Mr. *Richard Holditch*, another of the late directors, said, that he was told by Mr. *Knight*, That 50,000*l.* of the company's stock, said to be sold, was held for a noble Lord in a high station. That he apprehended and believed that by the Lord in a high station, Mr. *Knight* meant the Earl of *Sunderland*; but Mr. *Knight* being since asked about it, said, that it did not go that way, but it went another way, or words to that effect.

Your Com. in the course of Sir *John Blunt*'s examination asked him, whether he knew of any more of the company's stock disposed of, in order to facilitate the passing the bill? He answered, that he believed the *Dutcheffs* of *Kendal*, her two nieces, and the *Countess* of *Platen*, were the persons for whose benefit 36,000*l.* stock was entered in the company's cash-book, as sold on the 4th of *February, 1719*.

That some time after the 4th day of *February, 1719*, and while the said scheme, or bill, was depending in the house, Mr. Secretary *Craggs*, in *Westminster-hall*, spoke to him, and to the late sub
and

and deputy-governours, and to Mr. *Chester*, on the behalf of the persons above-named, and said, he really thought it was for the interest of the company to engage persons of their rank to be concerned in it, or words to that effect; whereupon it was agreed, that they should have 36,000*l.* of the company's stock at the price mentioned, which was 150 *per Cent.* altho' the market price, as he believed, was then somewhat bigger: That he took it for granted the agreement was since made good.

That Mr. *Knight* had the management of this affair, and used to keep an account of the stock thus disposed of in a book of his own; but he then apprehended the Dutchess of *Kendal*, and the Countess of *Platen*, did not either of them know that the other was to have any stock.

Sir *John Fellows*, late sub-governour, on his examination said, that whilst the propofals from the *South-sea* company, or the bill in the house of Commons was depending, Mr. *Knight* told him, that Mr. Secretary *Craggs* proposed, that 12,000*l.* of the company's stock should be disposed of to the Dutchess of *Kendal*, 12,000*l.* to the Countess of *Platen*, and 12,000*l.* to the Dutchess's two neices. The examinant agreed they should have the stock, paying the market price, which was then above 150 *per Cent.* But Mr. *Knight* telling the examinant, that he thought they were intituled to the stock from the first application made for it, at which time the price was about 150 *per Cent*; this examinant consented that they should have it at that price. He added farther, that Mr. Secretary *Craggs* did at his office recommend the above-mentioned propofal, and said that it would be for the service of the company to have such persons proprietors. He said likewise, that the same propofal was at another time made to him and others by Mr. Secretary *Craggs* in *Westminster-hall*. That the examinant and the deputy-governor waited on the Dutchess of *Kendal*, and acquainted

quainted her with the propofals, and that Mr. *Knight* fhould have orders to follow her directions, and defired her good offices on the company's behalf; that the Dutcheſs received them civilly, and thanked them for it. The examinant ſaid alſo, That a letter was wrote by Mr. *Knight* to the Counteſs of *Platen*, ſigned by the examinant, and the deputy-governor, to acquaint her with the ſaid propoſal, and that ſhe wrote an answer, ſignifying her acceptance, but that he had loſt the letter.

Mr. *Edward Gibbon*, another of the ſaid directors, being examined, declared, That whilſt the *South-ſea* bill was depending in the houſe, he was at a converſation in *Westminster-hall*, at which were preſent Mr. Secretary *Craggs*, the ſub and deputy-governors, and Mr. *Cheſter*, where Mr. Secretary propoſed, that about 30,000*l.* ſtock ſhould be diſpoſed of to certain ladies, whoſe having ſtock would be of ſervice to the company, or to that effect, which was conſented to; and he believed they were foreigners, but did not know their names.

Mr. *Joye*, the late deputy-governor, informed the Com. that ſome time before the above-mentioned converſation in *Westminster-hall*, Mr. *Knight* told him Mr. Secretary *Craggs* had mentioned to him, that it would be adviſable to have ſome great ladies concerned in the company's ſtock, and that they ſhould have it at 150 *per Cent.* That ſoon after Sir *John Fellows*, Mr. *Knight*, and himſelf, being at Mr. Secretary *Cragg's* office, the ſame propoſal was again renewed by the Secretary, and was conſented to by Sir *John Fellows*, Mr. *Knight*, and himſelf: he did not exactly remember the proportions in which the ſtock was to be provided, but on the beſt recollection he could make, he thought the Dutcheſs of *Kendal* was to have 10,000*l.* ſtock, and the Counteſs of *Platen* the like ſum, and the Dutcheſs's nieces 5,000*l.* each.

Mr.

Mr. *Joye*, said also, That there was a conversation with Mr. Secretary *Craggs* in *Westminster-hall*, concerning the afore-mentioned propofal ; That he could not recollect what then passed, but remembered that soon after Sir *John Fellows* and himself were introduced to the Dutcheſs of *Kendal*, by Mr. Secretary *Craggs*, who interpreted between them ; that they acquainted her with the offer, and that directions would be given to Mr. *Knight*, to transfer the ſtock on payment of the money ; that the Dutcheſs ſeemed well pleaſed with the offer, thanked them, and wiſhed them good ſucceſs.

He farther ſaid, that talking with Mr. *Knight*, ſince this inquiry began, he ſaid, that neither the Dutcheſs of *Kendal*, nor her neices, had any ſtock transferred to them, but that the Counteſs of *Platen* had ; to which Mr. *Joye* replied, that he did not believe him.

Mr. *Robert Cheſter*, one of the late directors, being examined likewise about the ſaid conversation in *Westminster-hall*, concurred, in ſubſtance, with what Sir *John Fellows* has before declared.

Sir *John Blunt* ſaid likewise, that after this examination on *Friday* the 27th of *January* laſt, Mr. *Joye* came to his Lodgings, and aſked him touching what had paſſed in his examination before your Com: That Sir *John Blunt* told him, he had ſaid nothing of the miniſtry : What ! ſays Mr. *Joye*, nor of the ladies neither ? To which Sir *John* replied, that he had not.

That on *Saturday* the 28th of *January* laſt, ſoon after Sir *John Blunt* had been again examined by your Com. at the *South-ſea* houſe, Mr. *Joye* came to him, and aſked him what had paſſed ; that Sir *John* told him he was under an obligation of ſecrecy ; that he loved him very well, and that the beſt way was to tell the whole truth : What, ſays Mr. *Joye*, of the ladies, and all ? Yes (ſays Sir *John*) the examination is very ſtrict, and nothing but the truth will do.

Mr.

Mr. *Joye* being examined by your Com. to the above-mentioned conversation between him and Sir *John Blunt*, did admit that the substance of it was true.

Mr. *Holditch* also informed your Com. that Mr. *Knight* told him, that 20,000*l.* of the company's stock, said to be sold, was for a certain person, who had deserved well; and that some other person, or persons of distinction at court (or words to that effect) were to have 40 or 50,000*l.* of the company's stock reserved for them.

Sir *John Blunt* being again examined, informed your Com. That Mr. *Knight* had the chief management of the disposal of the company's stock; and, that whilst the *South-sea* bill was depending in the house of Commons, Mr. *Knight* acquainted him, that Mr. *Charles Stanhope*, one of the Secretaries of the treasury, desired to have 10,000*l.* stock bought, or taken in, for him, at the market price, which was then about 25*ol. per Cent.* but the said Mr. *Stanhope* did not absolutely agree to have the stock at that time; but the same day, or the day following, Mr. *Knight* shewed Sir *John Blunt* a letter signed *Charles Stanhope*, where he desired to have the said 10,000*l.* stock bought, or taken in, for him, and Sir *John Blunt* consented that he should have it accordingly.

That on the strictest inquiry your Com. cannot discover, that the said Mr. *Stanhope* ever paid, or gave any security to pay, for the said stock, or that any actual transfer was made to him of it.

Mr. *Richard Holditch* being again examined, said, he understood by Mr. *Knight*, that 10 or 12,000*l.* of the company's stock, said to be sold, was held for Mr. *Charles Stanhope* of the treasury.

That Mr. *Knight* told him, that the said Mr. *Stanhope* was undetermined in the morning, when he first mentioned it, whether he would have it or no, but in the evening agreed to have it.

Your

Your Com. find upon inspection of the account of cash kept by the *South-sea* company with the bank of *England*, that by notes drawn upon the *bank* by the cashier of the *South-sea* company the sums following, amounting to 51,736*l.* 13*s.* were paid to *Charles Stanhope*, Esq; one of the Secretaries of the treasury, out of the cash of the *South-sea* company, at the days following, viz. *May* the 7th, 5662*l.* 13*s.* *May* the 12th, 600*l.* *June* the 18th, 40,609*l.* *September* the 10th, 4865*l.*

Upon the examination of *Jacob Sawbridge*, Esq; late one of the directors, and of the Com. of treasury of the *South-sea* company, and also a co-partner with *Elias Turner* and company, with whom part of the cash of the *South-sea* company had been usually kept, till within three or four months past, and upon perusal of their books, your Com. discovered a disposition of 50,000*l.* of the company's stock (as it was then called) unto the said *Turner*, *Sawbridge*, and *Sir George Caswall*, which sum now appears in the account of stock sold, laid before this house, viz.

	l.		l.
Mar. 21. <i>Turner, Caswall,</i>	}	50,000	{ 250 { 120,000
and Company ———			
<i>Ditto</i> ———		10,000	{ 270 { 27,000

The particular of which affair, so far as it relates to the said 50,000*l.* your Com. do now lay before the house; and for the better information of the house, they have annexed in the *appendix* to their report, N^o II. exact transcripts of their several articles and accounts contained in the several books of *Turner* and company, unto which their report has reference.

Mr. *Jacob Sawbridge* being examined as to his passing and signing, the account of stock sold, entered in the cash book of the *South-sea* company, without

without the names of the persons to whom it was sold; and also the disposition thereof, acknowledged that he allowed and signed the said account, and made no objection thereto, Mr. *Knight* saying, that the account was right; but the examinant said he could not tell to whom that stock was sold, Mr. *Knight* not giving the Com. of treasury any particulars thereof; but at length Mr. *Sawbridge* owned that he had 50,000*l.* part of the 68,000*l.* stock mentioned in the cash book to be sold the 21st day of *March* 1719, at 250*l.* *per cent.* and said that when the charter of *Turner* and company was ordered to be laid before the Com. appointed the last session of Parliament to inquire into and examine the several subscriptions for fishery, and other projects, the said *Turner* and company were obliged to sell 50,000*l.* *South-sea* stock more than they had, (which he called selling the bear) and hearing that the *South-sea* company were selling stock, he bought (as he said) this 50,000*l.* stock of the company, but admitted that he did not pay down any money for it, and that there was no agreement in writing relating thereunto, but if the price of stock had fallen, he said he must have stood to the loss of it; that this stock was not then delivered to him, but was delivered to him, or his order, by Mr. *Robert Surman*, upon the 11th of *June* 1720, at which time he paid the money for it, amounting to 125,000*l.* that the price of stock was then advanced to 750*l.* *per cent.* so that at the market price this 50,000*l.* stock comes to 375,000*l.* and that he entered in his book 125,000*l.* paid to the *South-sea* company, and entered 250,000*l.* as paid to his own cash, but did not receive any money.

That he directed this account of stock to be entered in a fictitious name, that their servants might not know it to be the proper stock of *Turner* and company,

company, and carried it to the account of stock in their books, where it is blended with the rest of the stock.

But Sir *John Fellowes* said, that he did not know of any particular parcel of stock holden for *Turner* and company, till lately; and said he did not remember the disposal of the 50,000*l.* stock, to them; that Mr. *Knight* used to transact with them, and he (the examinant) believed, the company did not intend to give them the benefit of so much stock.

Your Com. proceeding to inspect the books of *Turner* and company, and to examine *Daniel Watkins* one of their clerks, and also Mr. *Jacob Sawbridge*, do find, that upon the 11th of *June*, 1720, this 50,000*l.* stock, and the improved value thereof, amounting to 375,000*l.* was regularly placed to the account of *Charles Stanhope*, Esq; in the several stock ledger books of *Turner* and company, mentioned in the appendix under the following letters, viz. in the stock ledger book, letter *A*, Fol. 99, and in the stock ledger, letter *B*, Fol. 7, and 62. The entry in the ledger, letter *A*, is in these words on the debtor side.

1720, June 11.	<i>l.</i>	<i>l.</i>
To cash for 22,000 <i>l.</i> South-Sea	} 202,230	} 375,000
stock to Robert Knight and		
Robert Surman's order	} 172,770	
To Do. 28,000 <i>l.</i> Do. to		
J. Stokes's account		

And this account was upon the same 11th of *June* 1720, regularly entered in their book, called the general or clearing-book, letter *C*, Fol. 110, and was placed to *Charles Stanhope*, Esq; accordingly.

Daniel Watkins declared, that he at first wrote those several entries in the said book, in the

name of *Charles Stanhope*, Esq; by the direction of *Sir George Caswall*, one of the co-partners with *Turner* and *Sawbridge*, or from some other account, and believed, that he had seen the said *Charles Stanhope*, Esq; at the office of *Turner* and company, once or oftener, in or about the months of *May* or *June* last, coming there to receive money, that he was then told Mr. *Stanhope's* name by some clerk in the office, and upon his examination described Mr. *Stanhope* to be a tall thin man, of a black or brown complexion, according to his remembrance.

The said accounts mentioning 28,000*l* stock, part of the said 50,000*l*. to be adjusted with *Joseph Stokes* at 172,770*l*. your Committee sent for the said *Joseph Stokes*, and for *Joseph Stanborough* his partner, who acted for *Turner* and company, in the felling of stock, who being examined, and producing their account book, and comparing it with an account in the said leidger of *Turner* and company, letter *D*, *Fol.* 86, kept with the said *Joseph Stokes*, for the produce of this 28,000*l*. stock, at 172,770*l*. *John Stanborough* said, that he transacted this affair for Mr. *Sawbridge*, and that the said 28,000*l*. *South-sea* stock, was sold, or disposed of by him or *Joseph Stokes*, upon the 10th of *June* 1720, or a day or two before, together with another sum of 1000*l*. *South-sea* stock, at several prices, amounting in the whole to 180,280*l*. which sum he actually paid and answered to *Jacob Sawbridge*, Esq; upon the 10th or 11th of *June* 1720, who caused the said stock to be transferred accordingly; thereupon your Com. proceeded to inquire into the time, and manner of payment for this stock unto Mr. *Charles Stanhope*, and inspecting the several other books of *Turner* and company, mentioned in the appendix, called the note book, the cash note book, the drawing leidger, and the cash note leidger, wherein the
account

account of all notes issued and paid by *Turner* and company are duely entered, it appeared by the note book, letter *F*, *Fol.* 100, and by the cash note leidger, letter *A*, *Fol.* 289, and 299, that upon the 11th of *June* 1720, one cash note of the said *Turner* and company was regularly made out for 202,230 *l.* payable to the said Mr. *Charles Stanhope*, and another cash note of *Turner* and company was also regularly made out the same day for 47,770 *l.* payable to Mr. *Charles Stanhope*, which last note in the note book, letter *F*, *Fol.* 100, is entered, *Robert Surman*; both which notes were regularly entered, paid, and satisfied unto Mr. *Charles Stanhope*, by *Turner* and company, upon the 12th of *December* 1720, in the note book of *Turner* and company, letter *G*, *Fol.* 70, and their cash note leidger, letter *H*, *Fol.* 77, and by another book of *Turner* and company, called the drawing cash leidger, letter *I*, *Fol.* 758, it appears that upon the said 11th day of *June* 1720, when the said notes were issued, the sum of 47,770 *l.* being the contents of one of the said notes, was charged to the account of Mr. *Robert Surman*, deputy cashier of the *South-sea* company, as paid that day out of the cash kept by *Turner* and company, unto the order of said *Robert Surman*; *Robert Surman* being examined thereunto, upon inspection of cash-draughts kept by *Turner* and company, in his name, wherein it appears, that he is charged with the aforesaid sum of 47,770 *l.* paid by *Turner* and company the 11th of *June* 1720, out of the cash kept with them, by Mr. *Knight*, as cashier of the *South-sea* company, and for which *Surman* was accountable to *Knight*, did verily believe, that the said sum, accordingly paid by them, by order of Mr. *Knight*, was given to the examinant out of the said cash, and was no part of the examinant's proper cash.

Your Com. in this place observe, that the two sums of 202,230 *l.* and 47,770 *l.* amount to 250,000 *l.* which being added to the 125,000 *l.* the supposed price of the said 50,000 *l.* stock, amounts to the whole sum charged in the said stock ledger, viz. 375,000 *l.* as the produce of the said stock upon the 11th of *June* 1720, and deducting out of the 375,000 *l.* the sum of 125,000 *l.* for the prime cost of the said stock, there remains a clear difference of 250,000 *l.* accruing to the person for whose benefit the 50,000 *l.* stock was charged, as sold in the company's cash-book, which is the exact amount of the said two cash-notes, made payable to *Charles Stanhope, Esq;* and accordingly entered, paid, and satisfied unto him the 12th of *December* 1720.

In confirmation of which payment, it appears to your Com. by the drawing cash-ledger, letter *K*, now kept by *Turner, Caswall, and Sawbridge*, in a new co-partnership with *Mr. Henry Blunt* (son of *Sir John Blunt*) and *Mr. Robinson Knight*, (nephew of *Mr. Robert Knight*) which commenced the 25th of *June* 1720, *Fol.* 512, and 570, in an account kept between *Turner, Caswall and Sawbridge*, and the new co-partners, that the said 250,000 *l.* was entered paid in discharge of the two notes upon the 12th of *December* 1720, and placed to the account of money disbursed upon the separate account of *Turner, Caswall and Sawbridge*, out of their separate cash actually paid into the hands of the new co-partners, upon the 25th of *June* 1720, amounting in real cash unto the sum of 1,166,875 *l.* 4 *s.* 1 *d.* out of which the 250,000 *l.* are accordingly set off in discharge of the new co-partners.

Your Com. examined *John Mount* and *John Maddy* cashier to *Turner and company*, as well before as since the new co-partnership, *Richard Fenton* their book-keeper, and also *Jacob Sawbridge*,

bridge, jun. (son of *Jacob Sawbridge, Esq;*) the said *Robinson Knight* and *Henry Blunt*, who before the 25th of *June 1720*, were assistants in the office of *Turner and company*, relating to the several books and entries, and to the transactions therein contained; and *John Mount, John Maddy,* and *Richard Fenton* declared, that they verily believed, that all the said accounts and entries of receipts and payments, and of issuing and paying notes, were true; and that the respective sums mentioned therein to have been received and paid, were really received and paid; and that the notes therein mentioned to have been issued, and paid, were actually issued and paid according to the import of the several entries; and that those two notes for 202,230*l.* and 47,770*l.* were actually issued payable to *Mr. Charles Stanhope* upon the 11th of *June, 1720.* in the usual and regular manner; the note for the 202,230*l.* being entered and filled up by the said *Henry Blunt*, and the other note for 47,770*l.* being entered and filled up by *Jacob Sawbridge, jun.* by the direction of *Jacob Sawbridge, sen. Esq;* and both the said notes, signed by *Robinson Knight*, then intrusted by *Turner and company* to sign notes for them, as *Jacob Sawbridge, jun. Robinson Knight,* and *Henry Blunt* did acknowledge; and that *Turner and company*, did thereby become chargeable with the payment of the money mentioned in the two notes, which were actually paid and satisfied upon the 12th of *December 1720,* according to the entries thereof, made in the same books out of the cash, amounting to 1,166,875*l.* 4*s.* 1*d.* really paid and answered by *Turner, Caswall,* and *Sawbridge*, into the new co partnership, which *Henry Blunt* and *Robinson Knight*, the new co-partners, did likewise confess, and that the two notes being then discharged, were delivered up to *Turner and company.*

The Com. observing, that in the stock-leidger, book (A) and (B), the name as it now stands at the head of accounts there, and also in the accounts in the said book-leidger, letter (B) fol. 7. is (*Stangape*) altho' in the alphabets, or indexes of the said books, referring to the true folio's, the name still remains (*Stanhope*) and also that in the said general or clearing-book, the name now appearing in the account of the said 50,000*l.* stock, is (*Stangape*) and that the said books had been razed, and the letters altered; did examine *Jacob Sawbridge*, Esq; and *Daniel Watkins*, one of the clerks of *Turner* and company, upon the fact. Mr. *Sawbridge* acknowledged that the name at first entered in the said books, was (*Stanhope*) and said it was entered in a fictitious name, that their servants might now know of it; that he gave directions to *Daniel Watkins*, about two months past, to make the several razures and alterations in the surname, and to turn it into (*Stangape*) but owned, that his name referred to the name (*Stanhope*) mentioned in the alphabets and in the other books, and that it meant the same person.

Being asked whether there was any other fictitious name made use of in the books of *Turner* and company, besides the name (*Charles Stanhope*, or *Stangape*, Esq;) he said, that there was no other fictitious name in the whole book, to his knowledge.

Daniel Watkins being thereupon sent for, and examined, did declare, that about the 14th day of *December* last, he made the several razures and alterations in the name (*Stanhope*) which was the name he had first wrote down in the books, and altered the same to (*Stangape*) as it now appears, by the direction of *Sir George Caswall*, who then told the examinant, that it was an anonymous name (as the examinant expressed it) and that it ought to have been (*Stangape*) at first; that Mr. *Sawbridge* was not present at that time, and believed Mr. *Sawbridge* did not know of it till afterwards; but *Watkins* likewise owned

owned that there is no other fictitious name in any of the said books.

Mr. *Jacob Sawbridge* attending in a room next adjoining, was called in again, after *Watkins* was withdrawn, and did then say, that upon recollecting himself, he desired Sir *George Caswell* to give directions for the alterations.

But Mr. *Robert Surman* (who was well acquainted with *Turner* and company, and had about two years since been a clerk to them) and the present cashiers and clerks of *Turner* and company, viz. *John Maddy*, *John Mount*, and *Richard Fenton*, did all of them declare, upon their examinations, that they never knew nor heard of any fictitious name made use of by *Turner* and company, in any of their books, and *John Maddy*, one of the cashiers said, that in the nature of the affair, fictitious names could not be made use of.

Your Com. thinking it might be of use to have a sight of the notes themselves, ordered *John Maddy* to search for them in the proper place, and to bring them before your Com. who being returned, acquainted them, that he had searched the files, kept for that purpose, at the office of *Turner* and company, and altho' he had found other notes, which were entered to be paid on the same 12th of *December* last, and upon other days before, and after that day preserved as usual upon the file, yet he could find neither of the said two notes; and that inquiring of *Daniel Watkins*, what was become of the said notes, he was informed by him, that he well remembered, that when he entered these two notes, paid the 12th of *December* last, he took them up and cancelled them and that they being much worn by having been carried in a pocket, he had destroyed them. The examinant said farther, that he did not know or remember that any other notes delivered up, had been destroyed; but that the method observed in their business, had been to tear off the name of the person signing

signing them, and to preserve the notes upon a file kept for that purpose in the office of *Turner* and company.

Daniel Watkins being thereupon examined, confessed, that the said two notes were delivered up to him, upon the 12th day of *December*, 1720, by *Jacob Sawbridge*, Esq; and that after he had examined them with the books, and found them to be of the same numbers, dates, and sums, with such two notes then outstanding, he on the same 12th of *December* cancelled and destroyed them, and believed he burnt them, but had no direction so to do, his order from *Jacob Sawbridge*, Esq; being to discharge them in the books, and that the only reason for his destroying them, was, because the files being removed out of their usual places, he could not find the proper files, whereon these notes ought to have been put, and also believing that no other person had any property or interest therein besides *Turner*, *Caswall*, and *Sawbridge*, to whose proper account he then had placed them.

Being asked, if he ever had destroyed any other notes, delivered up to *Turner* and company, upon payment thereof; he answered, that he could not remember that he had ever destroyed any other note, so delivered up; but that other notes, after they were so delivered, have been preserved upon files.

Henry Blunt said, that the note for 202,230*l.* was filled up by himself, and being signed by *Robinson Knight*, was delivered to *Jacob Sawbridge*, Esq; who immediately cancelled the said note, by tearing off the name of *Robinson Knight*, fearing (as the examinant supposed) that he might loose it, and then put the said cancelled note in his pocket, but the examinant did not know the reason of *Mr. Sawbridge* so tearing such notes.

Your Com. hereupon cannot but observe the dangerous consequence of such extraordinary acts of razing and altering the name of a gentleman of distinction, in books belonging to a society of bankers, and in an article of so very great value, and of the
destroying

destroying these two notes, from the inspection whereof, more full, and more direct evidence might have been laid before this house, especially considering that both these facts were committed after an inquiry into the proceedings of the directors of the *South-sea* company was begun by this house, and the rasure made in the account of books of stock was about the same time, when the general account of stock sold by the *South-sea* company was delivered into this house, and when the subsequent order of this house, of the 17th of *December* last was made, that the directors of the said company should lay before this house a particular account of the said 574,500*l.* stock, sold by the said company, with the respective prices and parcels, and the persons by whom it was sold; and by whom, and to whom transferred.

Your Com. further observe, that *Daniel Watkins* upon his first examination, did not mention any thing concerning the property of this 50,000*l.* stock, altho' his examination did naturally lead thereunto; but upon his subsequent examination on another day he said, he believed this 50,000*l.* stock was bought by *Turner* and company, or one of them, of the *South-sea* company, or of *Mr. Knight*, for their proper account, and directed to be entered in *Mr. Stanhope's* name, to prevent their servants knowing that it was their own stock; but being asked what reason he had for such his belief, he only answered, because he was ordered by *Mr. Sawbridge*, upon the 12th of *December* last, to place these notes to the proper account of *Turner* and company, and that from the nature of the account, and from *Mr. Turner* insisting to have credit for the 11,000*l.* *South-sea* stock from the co-partnership, which he could not otherwise have, and from all the circumstances he had any knowledge of, he could not find that any other person had any property therein.

Mr. Robert Surman said, he remembered, that there was 50,000 *l.* (which, he believed, was part of

of the 68,000 *l.*) stock, mentioned in the cash-book to be sold the 21st of *March*, 1719, at 250 *l.* per Cent. sold to *Turner* and company; and before it was adjusted, *Sir George Caswell*, acquainted him with it, and left with him a cash-note for 125,000 *l.* to be delivered to *Mr. Knight*, saying, *Mr. Knight* knew what it meant, and soon afterwards, the stock was adjusted between *Mr. Knight* and *Sir George Caswall*, and the examinant delivered the said note to *Mr. Knight*, and had, after that time, seen such cash note in *Mr. Knight's* custody, but did not remember any thing of the payment of the said note.

Being shewn the entries before-mentioned, in the stock-leidgers, letter (A) and (B), and the general or clearing-book, letter (C), he said those entries imported *Turner* and company, their paying to the person therein named (*Stanbope* or *Stangape*) the money therein mention, the examinant having formerly been clerk to *Turner* and company, and negotiating their stock for them: He said moreover, he never knew or heard of the name (*Stangape*) till after *Mr. Sawbridge's* examination, but knows *Charles Stanbope*, Esq; of the treasury; and that about six, eight, or nine months before his examination (which was upon the 14th of *January* last) he had frequently seen him at the *South-sea* house, and that he saw him there near two months past, and not since, at which several times, *Mr. Stanbope* and *Mr. Knight* were writing together, and seemed to be settling accounts.

Upon *Saturday* the 21st day of *January* last, before noon, your Com. sent for *Mr. Robert Knight* the cashier, to examine him particularly about this disposition of stock in the company's cash-book, who said, that this 50,000 *l.* was part of the 68,000 *l.* stock, charged in the cash-book to be sold the 21st of *March* 1719, at 250 *l.* per Cent. that about that time he was ordered by the sub and deputy-governors, *Mr. Gibbon*, *Mr. Chester*, *Mr. Holditch*, and *Sir John Blunt*

Blunt, to deliver this stock to *Turner* and company for their own use (as he believed) and that about the latter end of *May*, 1720, (as he remembered) it was delivered to them, by an adjustment of stock made with them, and that he received the whole money of them, for such stock, at the price of 250 *l. per cent.* He owned there was no agreement in writing made, nor any time limited, when the stock should be delivered, because the company had not the stock at that time, but *Turner* and company might call for it when the price was advanced to 750 *l. per cent.* upon paying 125,000 *l.* and thereupon the stock was to be delivered without making any allowance to the company for forbearance of payment. That *Elias Turner*, *Sir George Caswall*, and *Jacob Sawbridge*, were obliged in honour to pay the money, and to stand to the loss, if the stock had fallen, but that stock continued to rise, and was never under 250 *l. per cent.* after this bargain.

Your Com. proceeding to examine *Mr. Knight* farther, concerning the disposal of the stock entered in the cash-book in blank ; and inquiring of him, from whence the account of stock then prepared by him, and intended to be laid before this house, was taken ; he answered, That before he entered this stock in the cash-book, he shewed the Sub and Deputy-governors, *Sir John Blunt*, *Mr. Gibbon*, *Mr. Chester*, and *Mr. Holditch*, upon a paper, the method in which he proposed to enter it, and had their approbation thereof, and in that paper, the several names of the persons who were to have the benefit of this stock were mentioned. That he disposed of about half of that stock, and put down the names of the persons to whom it was disposed of, and that the Sub and Deputy-governors disposed of some, and *Mr. Gibbon*, *Mr. Chester*, and *Sir John Blunt* disposed of other parts, and gave him the names of the several persons to whom it was disposed of by them ; that he had not seen that paper for about six months,

months, but made up an account of this stock to be laid before the house, with the particular names, from his memory, and some letters, and by inquiry from several of the directors, brokers, and clerks, and that the 50,000*l.* stock to *Turner* and company was part of the stock which the directors disposed of. That the cash-book was passed in blank by the Com. and he believed that no objection was made to it, nor any such reason given, as that the persons names were not proper to be made public at that time; and denied that he said, that if the bill passed, the stock would be well disposed of; but owned, that he did not think it proper to enter the names of the members of Parliament who had any part of this stock in the cash-book; and that it was the general opinion of the gentlemen then present, that it was not proper the names should be mentioned; and he said, that such members did not know that it was the company's stock; that the names of all the members of Parliament, who had part of this stock, are not set down in this account framed by him, because he was not certain who the persons were; that it was declared by the directors, that the Sub and Deputy-governors should have the care of the scheme, with a liberty of taking to their assistance such others of the directors as they should think fit.

Mr. *Knight* being here pressed to produce his letters and papers, and to declare more particularly, what he knew of the disposition of this stock, desired leave to attend the house of Peers, according to their order, the time appointed being come, and not having his papers in readiness then. Your Com. intending to proceed farther in his examination on the *Monday* following, and to give him time to collect his papers and accounts, did thereupon permit him to go to *Westminster*; but Mr. *Knight* withdrawing himself that *Saturday* evening, prevented any discovery of this important affair from his farther examination.

Your

Your Com. farther represent, that they have discovered great dealings in *South-sea* stock by *John Aislaby*, Esq; with one broker, *Mathew Weymond-sold*, and which account is annexed to this report, N^o. III.

And your Com. finding that *Turner, Caswell*, and company, had great transactions with the *South-sea* company, upon farther inspection of their books, among other remarkable passages in the said books, they found very great sums of money received by *Turner* and company, for the account of *Edmond Waller*, Esq; (Son-in-law of *John Aislaby*, Esq; late Chancellor of the *Exchequer*) and paid out to him, or his order, between the 28th day of *March* last, and the 21st day of *November* following, amounting to 794,451*l.* 15*s.* 9*d.* and your Com. also found a considerable quantity of *South-sea* stock bought and sold in the name of the said Mr. *Waller*; and in the general accounts of stock of *Turner* and company, it appears, that there was a balance of 77,600*l.* due to the said Mr. *Waller* from *Turner* and company; for securing which sum, *Turner* and company entered into bonds the 26th of *November* last, for twelve months, from the 24th of *September* then past; that is to say, one bond for 44,600*l.* to the said *Edmond Waller*, and one other bond to *Thomas Weddell*, Esq; for 33,000*l.* Whereupon your Com. ordered Mr. *Waller*, and Mr. *Weddell* to attend them; but they have not, as yet, had an opportunity of examining Mr. *Waller*, by reason of his indisposition; but Mr. *Weddell* attending your Com. was examined, and did inform them, that about the end of *October*, or beginning of *November* last, Mr. *Waller* desired him to take in 10,000*l.* *South-sea* stock for him, and in three days afterwards told him, he had accordingly transferred it to the examinant, and desired him to go to *Turner* and company, and give them a defeazance for transferring that stock upon their paying 33,000*l.* That
the

the examinant did accordingly accept a transfer of the said 10,000 *l.* stock from Mr. *Waller*, and gave a defeazance for transferring that stock to *Turner* and company, who gave the examinant their bond for payment of the said 33,000 *l.* That Mr. *Waller* acquainted the examinant, that this was in trust for *John Aislabye*, Esq; and he was afterwards told so by Mr. *Aislabye* himself, and says, that he has *Turner* and company's bond for the said 33,000 *l.* which is the proper money of Mr. *Aislabye*; but Mr. *Waller*'s indisposition has prevented your Com. from laying before the house in this report, a more full account relating to the sum of 794,451 *l.* 15s. 9d. before-mentioned.

Here your Com. must observe, that in the account of stock sold, laid before this house, they found the names of several members of this house, and of the house of Peers, not concerned in the administration, or in the management of the public revenue, whose cases your Com. could not particularly examine, but must wait for the consideration and direction of the house, in what manner each examination shall proceed. In the mean time, your Com. think it proper to acquaint the house, with divers practices made use of to raise the nominal value of *South-sea* stock, to that extravagant rate to which it was afterwards advanced, above the real and intrinsic value thereof.

Your Com. find, that by computation made, by direction of your Com. it appears, that the directors of the *South-sea* company, might have raised the whole sum stipulated for the public, with a profit of near one million and an half for the benefit of the proprietors of the old stock, without setting their stock to sale at any higher price than 150 *l.* per cent.

That after the said directors had taken in the first money-subscription at 300 *l.* per cent. and the second money-subscription at 400 *l.* per cent. and the first subscription of the long and short annuities at 375 *l.* per

per cent. the value of 100*l.* *South-sea* stock was but 120*l.* or thereabouts, supposing the whole money of the said first and second subscriptions (amounting to 12,750,000*l.* had been all paid in.

That the said court of directors did afterwards proceed to take in a third and fourth money-subscription at the rate of 1000*l.* *per cent.* and a second subscription of the long and short annuities, and a subscription of the redeemable debts at the rate of 800*l.* *per cent.* after which the value of a 100*l.* *South-sea* stock was but 332*l.* or thereabouts, supposing the whole money of the said four money-subscriptions (amounting to 68,750,000*l.* had been all paid in.

That if all the remaining public debts had been taken in, and all the remaining stock of the company sold, on the terms which the said directors pretended to expect, 100*l.* *South-sea* stock would have been worth but 547*l.* or thereabouts, supposing the money of the said four subscriptions, and the money for the remaining stock (which together would have amounted to 205,039,401*l.* had) been all paid in.

That on the 30th day of *August* last, the court of directors of the *South-sea* company came to a resolution (which on the 8th day of *September* last was confirmed by a general court) to declare a dividend of 30*l.* *per cent.* to be made at *Christmas*, 1720, and of not less than 50*l.* *per cent.* *per ann.* for not less than 12 years to come from that time.

That soon after this resolution, (*viz.* at a general court held the 20th day of *September* last) the Sub-governor acquainted the general court, that the affairs of the court, in relation to the price of their stock, and subscriptions, had taken an unexpected turn, and thereupon proposed their giving a power to the court of directors to relieve the last subscribers of the public debts, and the proprietors of the two last money-subscriptions, which was accordingly granted; and at a court of directors held the 29th day

day of *September* last, it was resolved, that the said subscribers should have the same terms with the *Bank*, viz. that their subscriptions should be reduced from 1000 *l.* and 800 *l.* *per cent.* to 400 *l.* and that they should also have the benefit of the *Midsummer* dividend of 10 *l.* *per cent.* which was accordingly confirmed by a general court held the 30th day of the same months; upon which your Com. observe, that it appears to them very extraordinary, that the directors on the 8th day of *September* (when the said high dividend was declared in a general court) should have had no foresight of the turn which so soon after (viz. on the 20th day of the same month) happened in their affairs.

That on the said 8th day of *September*, the Sub-governor acquainted the general court, that their directors had been unanimous in all their proceedings, which among other things, includes the before-mentioned several subscriptions by them taken in, except the first; and upon the examination of the directors it doth not appear to your Com. that any one of them protested against, or declared any public dissent from any of the said proceedings; and it appears that all of them took their shares and proportions of the subscriptions, which were allotted for the respective directors to dispose of.

And your Com. have been informed by Sir *Theodore Janssen*, that there was a meeting at the house of Sir *John Fellows*, betwixt sixteen of the court directors, Mr. Secretary *Craggs*, and Mr. *Aislaby*, at which time it was proposed, that a subscription should be taken in at 300 *l.* *per cent.* which was approved of by Mr. Secretary *Craggs*, and Mr. *Aislaby*; and that, when the said company broke up, it was agreed, that every person should use their best endeavours to promote it; which is also confirmed by the information of Sir *Lambert Blackwell*.

And at a court of directors held the 13th day of *April* last, it was resolved, to take in a subscription
for

for two millions, at the rate of 300*l. per cent.* but the same was afterwards increased, without any previous resolution to that purpose, to 2,250,000*l.* and your Com. observe, that the imaginary value of the said subscriptions rose very fast; and that those who had the benefit of the said additional subscription, if they sold, and disposed of the same, made very great gains thereby.

That at a court of directors held the 28th day of *April* last, it was resolved, to take in a second money-subscription, at the rate of 400*l. per cent.* for 1,000,000*l.* but by the accounts delivered into this house, appears, it that the said subscription was for 1,500,000*l.* yet it does not appear that there was any previous resolution of the court of directors for the addition of 500,000*l.* nor was the said addition declared till the 8th of *September* last, at which time the Sub-governor acquainted the general court therewith; upon which your Com. cannot but observe the great distance of time between the taking in of the second subscription at 1,000,000*l.* and the 8th of *September*, when the same was reported to the general court at 1,500,000*l.* during which interval the imaginary value of that subscription was excessively increased, whereby the persons who had the same, had the advantage of that extraordinary rise.

That at a court of directors held the 15th day of *June* last, it was resolved to take in a third money-subscribing at the rate of 1000*l. per cent.* one tenth part whereof was to be paid down at the time of subscription; and at a court of directors held the 23d day of the same month, the Sub-governor acquainted the court, that the said third money-subscription was compleated, without mentioning to what sum; but at the before-mentioned general court, held the 8th day of *September* last, he declared the same to be for five millions; and Mr. *Knight*, late cashier of the *South-sea* company, by

an article dated the 20th day of *June* last, in the cash-book, *Fol.* 125, charges the said sum of five millions as received; which account was passed, and allowed by the company's Com. of treasury, on, or some time after the 4th day of *August* last; and yet in the account of the third money-subscription delivered into this house, it is stated at 4,400,000*l.* only, the remaining sum of 600,000*l.* being entered on the credit side of the said cash-book on the 19th of *December*, 1720, as a supposed deficiency of the payment on this subscription; although it appears to your Com. upon the evidence of Mr. *Lockyer*, and others, that not only the whole sum of five millions, but even a considerable exceeding thereon was paid in; that a great deal of money was repaid back to reduce the subscription to five millions; and, that they had money enough paid in for near eight millions.

That at a court of Directors held the 12th day of *August* last, it was resolved to take in a fourth money-subscription for one million, at the rate of 1000*l.* *per cent.* And at a court of Directors, held the 25th of the same month, it was declared, that upon casting up the books, it was found the said fourth money-subscription, instead of one million, was increased to 1,250,000*l.* which was occasioned by taking the said subscription in several books; and at the before-mentioned general court, held the 8th day of *September* last, the Sub-governor declared the fourth money-subscription was compleated to 1,250,000*l.* and Mr. *Knight* the Cashier hath, in an article dated the 30th day of *August* last, and entered in the cash-book, *Fol.* 128, given the company credit for the first payment made on the 4th subscription, *viz.* for 2,500,000*l.* which account was passed, and allowed by the Com. of treasury, on the 4th day of *October* last; and yet in the account of the said fourth money-subscription delivered into this

this house, it is stated at 1,200,000 *l.* only : That upon the examination of Mr. *Knight*, and several of the directors, in relation to the deficiency of the said third and fourth money-subscriptions, their answers were very unsatisfactory : And your Com. cannot but observe, that as by the before-mentioned additions to the first two money-subscriptions, some persons made great gains, whilst the price of the said subscriptions continued high ; so when the price of the subscriptions fell, many other persons were favoured, by having their subscriptions withdrawn, which was the cause of the deficiency.

That on the second money-subscription each director was allowed, for himself and friends, 26,000 *l.* and that the remainder of the million at first resolved to be taken in, was at the disposal of the Sub and Deputy-governors ; but for whose benefit the additional subscription of 500,000 *l.* was intended, your Com. have not yet been able to discover.

That on the third money-subscription each director was allowed 54,000 *l.* for himself and friends, and that several large lists of the names of persons were sent to the Sub-governor, to be admitted into the said third subscription ; viz. by the Earl of *Sunderland*, first Lord Commissioner of the treasury, a list amounting to 167,000 *l.* by *John Aislabie*, Esq; late Chancellor of the *Exchequer*, another of the Lords of the treasury, a list amounting to 75,300 *l.* by *James Craggs*, Esq; one of his Majesty's principal Secretaries of state, two lists, amounting to 695,000 *l.* and by *Charles Stanhope*, Esq; one of the Secretaries of the treasury, a list amounting to 49,700 *l.* which four last mentioned lists amount to 987,000 *l.*

That upon examination, it appears, that other lists have been given in, as well on the third as on the second subscription ; but the same being lost or mislaid, as your Com. have been informed, they are

thereby disabled at present, from making any report thereon.

They find 25,000 *l.* of the second subscription hath been given unto *John Aislavie*, Esq; about eight or ten days after the opening of that subscription, at which time the subscriptions were at an advanced price, of about 40*l.* *per Cent.* and soon after rose vastly higher.

That it doth not appear to your Com. that any of the persons, who had the honour to serve his Majesty in the treasury, or in any other part of the administration, used any endeavours to prevent the directors of the *South-sea* company from taking in subscriptions at the aforesaid extravagant prices; but on the contrary, it doth appear, that some of them, by the lists they gave in aforesaid, did not only encourage and promote the said subscriptions, but did greatly enlarge the same.

Your Com. observing that Sir *John Fellows*, late sub-governor of the *South-sea* company did at a general court of the said company, held the 21st day of *April*, 1720, acquaint that court, that the design of the government's million of *Exchequer* bills to be lent to the company, by virtue of the late act of Parliament for issuing *Exchequer* bills to be circulated at or near the *Exchequer*, was to enable the company to lend money upon their stock; and finding that by order of the court of directors of the said company the same had been so lent out, your Com. proceeded to inquire into this affair.

And on examination of Mr. *Robert Knight*, late cashier of the said company, he declared, that he did not remember that any application was made by the directors to have those bills issued; but that the first discourse of this matter was by *John Aislavie*, Esq; then Chancellor of the *Exchequer*, a week before the proposals of the *South-sea* company were offered to this house; that Mr. *Aislavie* said, it would be more acceptable to have those bills circulated at the *Exchequer*,

quer, than to send them to the *Bank* or elsewhere, and that the company might afford to circulate them for nothing, they being to be lent to the company to enable them to execute their scheme. That the examinant believed, the intention of lending the said bills upon stock had been communicated to Mr. *Aislaby*, (and that he the examinant) on his attending at the treasury to solicit the issuing of these bills, did mention that design, and never heard that the treasury disapproved of it.

That Sir *John Blunt* declared, it would be better to employ those bills in the lending upon stock, than in paying of the redeemables, which would take up more time.

Hereupon your Com. examining Sir *John Fellows*, he said, that he and others of the directors treated with Mr. *Aislaby* and others at the treasury, about the issuing the said *Exchequer* bills; but that it was first proposed to Mr. *Aislaby*, and the examinant believed, it was at first mentioned by Sir *John Blunt*, in a Com. of the directors, and that it was the general opinion of the directors.

Your Com. examining Sir *John Blunt* upon this transaction, he declared, that he spoke to Mr. *Aislaby* to hasten the issuing of the said bills; and that himself, or some other of the directors acquainted Mr. *Aislaby* (as he believes at the treasury) with the company's design to lend them upon stock; that it did not, at first, arise from the directors, but that it was intimated to them before, or very soon after the company's proposals were laid before the house, by some of the treasury, and on recollection, the examinant said it was by Mr. *Aislaby*, to enable the company to carry on their scheme, and thereby to raise the price of their stock, the borrowers being enabled to buy stock.

That by the book of loans delivered into this house, it appears that the sum of 9,039,936*l.* 1*s.*

was lent to several persons on the security of 2,563,117*l.* 17*s.* 5*d.* stock: And that the farther sum of 2,219,089*l.* was lent on the security of 773,600*l.* subscription-receipts; the money so lent, and still remaining due, amounting in the whole to the sum of 11,259,025*l.* 11*s.*

That by several resolutions of the court of directors of the 21st of *April*, the 20th of *May*, and the 9th of *June* last, for three several loans, it appears, that the sum resolved by them to be lent on stock from the 21st of *April*, to the 21th of *May*, was limited to 500,000*l.* in the whole, and that not more than 5,000*l.* should be lent to any one person, and such loan to be only at the rate of 250*l.* on 100*l.* stock; that from the 20th of *May* to the 9th of *June*, the rule of lending was at the rate of 300*l.* on 100*l.* stock, and that not more than 3,000*l.* should be lent to any one person; and from the 9th of *June*, the rule of lending was at 400*l.* on 100*l.* stock, and that not more than 4,000*l.* should be lent to any one person.

That on examination of the book of loans, it appears, that on the first loan, the rules of lending were greatly exceeded, *viz.* That there was lent in the whole 943,631*l.* more than the sum of 500,000*l.* to which the said loan was confined. That the excess above 250*l.* on 100*l.* stock, amounts to 316,740*l.* and the excess above 5,000*l.* to one person, amounts in the whole to 779,231*l.* That on the second loan the excess above the rate of 300*l.* on 100*l.* stock amounts to 30,750*l.* and the excess above 3,000*l.* to one person, amounts in the whole to 169,025*l.* And that on the third loan, the excess above 400*l.* on 100*l.* stock amounts to 59,413*l.* and the excess above the rate of 4,000*l.* to one person, amounts in the whole, to 1,447,677*l.* For the particulars of all which, your Com. refer to the book marked No. IV. in which the same are distinctly expressed, and the resolutions of the general court,

court, and court of directors, in relation to loans, are transcribed.

That your Com. do not find any resolution, either of a general court, or a court of directors, for lending money on subscription-receipts; but by the examinations which they have taken, it appears, that Mr. *Knight*, the late cashier of the *South-sea* company, and his under cashier and clerks, by his directions, did lend money on the subscription-receipts, by verbal orders from the directors of the said company, and under colour of an order of a general court, made the 21st of *April*, 1720 to empower the court of directors from time to time, as they shall see for the interest of the company, to lend any sum or sums of the company's money, on the company's present and to be increased capital stock; and to do all such matters and things, as they should judge most for the good of the company.

But your Com. find, that by the second by-law of the said company, relating to the keeping the cash of company, it was ordained, that the cash of the corporation should from time to time be kept under three several locks, with different wards, the keys of which to be kept, one by the cashier, and the other two by such of the governor, sub-governor, deputy-governor or directors, as the said court should from time to time appoint, except such sum or sums as the court of directors should think necessary to let remain in the custody of the cashier; and no money relating to the trade or affairs of the said company should be disposed of, without an order of the said court of directors; and that the interest and all other advantages, arising and growing upon the cash of the said company, should be brought to the account of the said company. However, it appears that the said loans on subscriptions were generally known, and never objected against, by any of the directors in a general court, or in any court of directors.

That

That on the said loans on stock, the stock was transferred to persons for that purpose nominated, in the same manner as if the same had been absolutely sold, without any defeazance on the part of the company, or of the persons to whom the stock was transferred, for re-transferring the same, on repayment of the money, nor was any covenant or other security taken, for repayment from the borrowers, except the stock so transferred; nor doth there appear any distinction between the said transfers on loans, and the other transfers, which were made of stock absolutely purchased, on account of the company; upon which your Com. observe, that it was in the power of the persons to whom the said pawned stock was transferred, to dispose thereof at any time, as they thought fit, when the price of stock was high, and to replace the same when it fell.

And your Com. do find, that on the 19th day of *October* last, the said Mr. *Knight*, to whom the said pawned stock was transferred, did, pursuant to an order of the court of directors, transfer stock to the amount of 2,141,867*l.* 17*s.* 5*d.* to Sir *Harcourt Masters*, Col. *Hugh Raymond*, *Edward Gibbon*, and *John Gore*, Trustees, for that purpose nominated by the court of directors, in whose names the same now remains; but the sum is 421,250*l.* short of the aforesaid sum of 2,563,117*l.* 17*s.* 5*d.* which is mentioned in the said book of loans, to have been pledged for the security of the repayment of the aforesaid sum of 9,039,936*l.* 11*s.* from which it is evident, that the said sum of 421,250*l.* of the stock mortgaged or pawned on loans, as aforesaid, has been sold, or otherwise disposed of by the trustees, or agents of the *South sea* company; and till re-placed, cannot be re-transferred to those, by whom the same was pawned or mortgaged: Upon which your Com. observe, how easy it was for the trustees of the company to have sold the said stock when it was at high prices, and to have replaced the same again when it fell;

fell; for on examination it appears, that there was no distinct and separate account kept of the said mortgaged and pawned stock, nor was the same any ways distinguished from the other stock of those persons, to whom it was at first transferred.

That as to the said sum of 2,219,087*l.* lent on 773,600*l.* subscription receipts, it appears by the aforesaid book of loans, that the general rule of lending was at the rate of 300*l.* on 100 subscription receipts; but excluding from the said loans on subscriptions the two great loans, the one to the million-bank, and the other to *Turner* and company, the loans, to the other borrowers, will at an average come out above 300 *per cent.* It appears that on the first subscription receipts, at the time of the said lending, there was paid in only from 90*l.* to 120*l.* *per cent.* and on the second subscription receipts generally 40*l.* and on some few 80*l.* *per cent.* but how much more there hath been paid in since, or whether all the said subscription receipts, on which money was lent, be now remaining in the custody of any person for the security of the company, your Committee cannot at present discover; the receipts not having been as yet produced to them.

That it appears that *Turner* and company were employed by the directors, to lend out 500,000*l.* on subscription receipts, and that they accordingly lent 150,000*l.* on such receipts, after the rate of 190*l.* *per cent.* on the first subscription, and 40*l.* *per cent.* on the second. But such rates being by the said directors thought too low, the said *Turner* and company were ordered to proceed no farther in disposing of the remaining part of the said 500,000*l.* and were told at the same time, that by lending at such low rates on subscriptions, they were ruining the stock. And it also appears, that Mr. *Knight* did issue a considerable sum to be disposed of by brokers, for the refusal of *South-Sea* stock

stock at certain times, at very high prices; and likewise, that on the declension of the price of the stock, large sums were issued to purchase stock on account of the company, at very high prices; and part of the stock then bought appears to have belonged to some of the directors of the said company: And although your Com. are not yet prepared to set this matter in a full light, they cannot but observe, that the said directors, in all their proceedings in the execution of their scheme, appear to have had chiefly in view the raising and supporting the imaginary value of the stock, at an extravagant and high price, for the benefit of themselves, and those who were in the secret with them.

That as to the aforesaid loans on subscription receipts, it appears, there were no defeazances executed by those with whom the receipts were deposited, for a re-delivery of the same on repayment of the money, nor any security given by the borrowers, besides the receipts by them so delivered; nor doth any thing else appear to distinguish the receipts so pledged, from such receipts as were, or might have been, absolutely sold to the company; for all the said receipts were made out in one name, *viz. Joseph Safford*, and by his indorsement the bearer became intitled to the property thereof; upon which your Com. observe, the security of the company, as to the money lent on the said subscription receipts, is more precarious than the loans on stock; for by the transfer book it might appear by whom such stock was transferred; but it hath not yet appeared to your Com. that any books have been kept, or entries made, of the names of the persons to whom such loans have been made on subscription receipts: And your Com. do farther observe, that it was in the power of the persons with whom such subscription receipts were deposited, to sell the same
at

at high prices, and to replace them again when the price fell. And upon the whole it doth appear to your Com. that the said loans on stock and on subscriptions have been managed with the utmost negligence, with respect to the interest of the company, and were contrived for the raising and keeping up the price of stock at an extravagant height.

Before your Com. conclude this report, they think it proper to observe, that it has appeared to them throughout their examination, that Mr. *Knight*, Cashier of the *South-Sea* company, was principally concerned in their most secret transactions. And your Com. have been informed by Sir *Theodore Janssen*, soon after Mr. *Knight's* withdrawing himself, that upon his pressing Mr. *Knight*, two or three days before he went away, to make a discovery of whatsoever he knew relating to the whole proceedings; Mr. *Knight* answered, that if he should disclose all he knew, it would open such a scene as the world would be surprized at.

Your Com. having made this progress in their inquiry, have thought themselves obliged to lay this report before the house; and will proceed in their farther examination of the matters referred to them, with the utmost diligence.

To this *first report* was annexed an *appendix*, the most material parts of which are, as follow;

At folio 121.

<i>March 30.</i>	To <i>South-sea</i> stock, for	} 45750
1720.	15000 l. sold 305, to	
	answer the 1700 l. per an-	
	num. on the other side. —	

Note, The 1700 l. on the credit side, is thus entered. By annuities for 99 years bought of the Duke

Duke of Portland, Lord de la Warr, and the honourable John West, Esq; 1700 l. per ann. at 27 years, 45,000 l. with interest from Christmas to Lady-day, 425 l. the same being subscribed into the capital stock of the South-Sea company, in the name of Robert Surman, in trust for the company.

Appendix N^o II.

In the stock leidger book, F. commencing the 25th of December, 1719.

A		A	
Charles Stangape, Esq; debtor.		per contra creditor.	
Fol. 99.		1720.	
1720.		June 24 By ba-	
June 11th to		lance for 50000	
cash, for		South-sea, carri-	375000
22000 S. S.	202230	ed to No. G.	
to R. Knight		Fo. 62.	
and R. Sur-			
man's order,			
		375000	
To ditto			
28000 ditto	172770		
to J. Stokes's			
account,			
<u>50000.</u>			

In the stock leidger, G. commencing the 24th of June, 1720.

B		B	
Charles Stangape, Esq; debtor.		per contra creditor.	
62.		1720	
1720, June 24,		Novem. 4. By	
To balance on		J. Sawbridge	
50000 South-	375000	and Co. for	
Sea, from T.		55000 S.S, to	375000
C. and Co. Fo.		their account,	
99.		Fo. 7.	

Aug.

*Aug. 20. To Midsummer
Dividend 5000 ditto*

55000.

John Maddy, cashier to *Turner*, and company, said that the entries in the general, or clearing book, letter C. at fol. 110. viz.

2000 *South-Sea* to *Robert Surman*, debit full note, 27 April.

10000 Ditto to *R. Knight*, full note 4th of June.

10000 Ditto to ditto, full 49,000, note 18 April.

did import, that the person named there *Charles Stangape*, did deliver to *Turner* and company, the several notes of *Robert Surman* and *Robert Knight*, for the delivery of those respective parcels of *South-sea* stock to him, which notes *Turner* and company accepted as so much stock transferred to them, by which they could have the same upon the said notes.

Robert Surman also did confess, that those entries did import, and might be understood as explained above by *John Maddy*; this examinant and Mr. *Knight* having used to subscribe, and deliver out such notes, for *South-sea* stock to be accordingly delivered; but said, that such entries might likewise imply, that the person named *Charles Stangape* had notes for stock to that value, given by *Turner* and company to the examinant, and to *Robert Knight*; which sort of notes Mr. *Knight* frequently accepted from *Turner* and company, and delivered out as stock, instead of making actual transfers.

The

The Second REPORT

Of the Committee of secrecy, which on the 25th of February last Mr. Broderick, their Chairman, delivered to the house of Commons, was in substance, as follows;

THE Com. of secrecy appointed to inquire into all proceedings relating to the execution of the act passed the last session of Parliament, (intituled *an act for enabling the South-sea company to increase their present capital stock and fund, &c.*) have made some farther progress in the examination of the matters referred to them.

Upon the examination of Mr. *Matthew Weymondfold*, broker, and of *John Faulconbridge* his book-keeper, touching the particulars of stock bought by *Weymondfold*, for *John Aislaby*, Esq; late Chancellor of the *Exchequer*, specified in the account annexed to the former report of your Com. it appears that among other great sums in stock bought by *Weymondfold*, on Mr. *Aislaby's* account, the sum of 20,000 *l.* *South-sea* stock, was on the 12th of *February*, 1719. delivered to Mr. *Weymondfold*, by Mr. *Robert Surman*, then deputy cashier of the *South-sea* company, by order of Mr. *Hawes*, at the rate of 130 *l.* per cent. for the use of Mr. *Aislaby*, which is about 40 *l.* per cent. below the market price, as appears by the account of stock sold, laid before this house.

Upon this your Com. sent for Mr. *Hawes*, and examined him as to this 20,000 *l.* He said, he remembers that Mr. *Weymondfold* applied to him for this 20,000 *l.* stock; and the examinant told him, that he had no orders for the delivering such stock; but the examinant could not remember whether he went to Mr. *Aislaby*, and had his directions

rections to send Mr. *Weymondfold* to Mr. *Surman*, or whether he (the examinant) did not tell Mr. *Weymondfold* to go to Mr. *Surman*, for it; but that if he did send him to Mr. *Surman*, he had Mr. *Aislabye's* directions for that purpose.

John Faulconbridge informed your Com. that on the 9th of *February*, 1719. he did take in the said 20,000 *l.* stock of Mr. *Surman*, for Mr. *Aislabye's* use, at 130 *l.* per cent. and that the examinant, on the 12th of the said month, wrote off this stock from Mr. *Surman's* to Mr. *Aislabye's* account; but your Com. examining Mr. *Surman* as to this matter, he said, he did not remember his transferring the said stock; but said, that he had a great quantity of stock in his name, in trust for Mr. *Knight*, and transferred the same on verbal orders only; and that this 20,000 *l.* (if it was transferred) was transferred by Mr. *Knight's* directions.

Your Com. also found, on the examination of the said Mr. *Weymondfold*, and *John Faulconbridge*, that several parcels of *South-sea* stock, amounting to 20,000 *l.* stock, were bought by Mr. *Weymondfold* for Mr. *Aislabye*, on the 1st of *March*, 1719, at several prices, amounting in the whole to 35,357 *l.* 10 *s.* And that Mr. *Knight*, late cashier of the *South-Sea* company, paid the examinant the money for such stock, and placed the same to Mr. *Aislabye's* account. Mr. *Weymondfold* produced to your Com. a letter from Mr. *Aislabye* to him, dated the 1st of *March* 1719. whereby he directs Mr. *Weymondfold* to buy this 20,000 *l.* stock, and adds, that he would desire Mr. *Knight* to pay him the money for the said stock; which letter, the examinant said, is of the hand writing of Mr. *Aislabye*, and was received by the examinant on said 1st of *March*; and the examinant returned an answer to Mr. *Aislabye* the same day. That on the 4th of *March* last, Mr. *Knight* adjusted the

the said stock with the examinant, who delivered the stock to Mr. *Knight*, for the use of Mr. *Aislabie*, and Mr. *Knight* paid the examinant the money for such stock.

John Faulconbridge (who was concerned in entering and making out the accounts kept of this stock) being examined, said, that about a fortnight since, and after Mr. *Weymondfold*'s first examination before the house of Peers, and his delivering in an account of stock bought for Mr. *Aislabie*, to your Com. Mr. *Aislabie* requiring the particulars of the stock bought and sold for him by Mr. *Weymondfold*, the examinant, by Mr. *Weymondfold*'s directions, attended Mr. *Aislabie* with the particulars thereof: That Mr. *Aislabie* then objected against the said 20,000 *l.* stock bought the 1st of *March*, and with execrations not fit to be repeated, declared, he knew nothing of it; and bid the examinant tell Mr. *Weymondfold*, *That he (Mr. Aislabie) must declare the same upon oath at the bar of the house.* The examinant then told him, that he happened to object against an article, which was the plainest in his account, for that this very 20,000 *l.* stock was taken in for him, and paid for by Mr. *Knight*; and that the examinant had shewn the same article to Mr. *Waller*, (Mr. *Aislabie*'s son-in-law) in an account made up and settled with Mr. *Knight* long since, which Mr. *Waller* (who was then present) said was true; and the examinant the next day attending Mr. *Aislabie* with an explanation of the account, on sight of it, Mr. *Aislabie* expressed himself thus, *viz, Ay, this makes it plainer; now I can recollect something of it.*

The said Mr. *Weymondfold* farther informed your Com. that there were dealings between Mr. *Aislabie* and Mr. *Knight*; and that the examinant had seen a green book in Mr. *Knight*'s custody, wherein the account of Mr. *Aislabie* was kept; which green book your Com. apprehended to be
the

the same book mentioned in the examination of Mr. *Surman*, taken notice of in their former report.

Mr. *Hawes* farther acquainted your Com. that he had dealings in stock with Mr. *Aislabye* for a considerable time, and kept an account of the same in a book, of which Mr. *Aislabye* had a duplicate. That the account in the said books was continued till some time in *November* last; and that upon every adjustment, Mr. *Aislabye* and the examinant usually signed each others books; that (among other things) the said books contained accounts of quantities of *South-sea* stock bought and sold by the examinant for Mr. *Aislabye*. That some time in *November* last accounts were finally settled and adjusted between them; and thereupon the examinant was ordered by Mr. *Aislabye*, to bring the book, which the examinant was unwilling to do, saying, that he ought to keep it for his own justification: But Mr. *Aislabye* told him, that the account being then made up between them, he would have the book up, that no body else might see it. And Mr. *Aislabye* gave the examinant a receipt in full of all demands, and the examinant delivered him the book. Mr. *Hawes* farther said, that he never was desired so to do, nor ever did the like to any person with whom he had dealing of this nature.

Your Com. have been informed by Mr. *Robert Surman*, that several sums of money were paid out of the company's cash to *John Aislabye*, Esq; and by the book of draughts kept by the *South-sea* company, and the *bank*, and also by the said Mr. *Surman's* examination, your Com. find, that on the 8th of *April*, 1720, a bill for 27,378 *l.* 19 *s.* 6 *d.* was drawn by Mr. *Knight*, then cashier of the *South-Sea* company, upon the *bank of England*, payable to the said Mr. *Aislabye*, and the entry of that bill in the cash draught-book

has been since razed by Mr. *Knight's* direction, who told Mr. *Surman*, that he had taken that bill back again in payment (as the examinant believed) from Mr. *Aislabye*. That a bill for the farther sum of 6000*l.* was drawn the 11th of *June* 1720, and paid by the *bank*, out of the cash kept there, in the name of the *South-sea* company, to Mr. *Aislabye*, on the 10th of *September* last; and the sums of 4700*l.* and 86*l.* were in the like manner drawn the 20th of *September* last, and paid to the said Mr. *Aislabye* on the the first of *October* following.

Your Com. are still proceeding upon the matters referred to them, in order to lay the same before the house.

Accordingly on the 21st of April following, Mr. Broderick from the Committee of Secrecy, delivered to the Commons a

Third REPORT,

Which in substance was as follows:

THE Committee of secrecy appointed to inquire into all the proceedings relating to the execution of the act passed the last session of Parliament, (intituled, *An act for enabling the South-Sea company to increase their present capital stock and fund, &c.*) have proceeded farther in the examination of the matters referred to them: And observing, that upon their former reports, it was thought proper that the examinations referred to by your Com. should be laid before the house, and several other matters appearing to your Com. fit for the consideration of the house, your Com. report the same in the words of the examinations themselves, and according to the papers laid before your Com.

Your

Your Com. in a former report, acquainted the house, that the indisposition of *Edmond Waller*, Esq; had prevented their laying before the house in that report, a more particular account relating to the sum of 794,451*l.* 15*s.* 9*d.* received and paid by *Turner* and company upon the account of the said Mr. *Waller*, between the 28th of *March* 1719, and the 21st of *November* following; and have since, viz. on the 22d of *March* 1720, examined Mr. *Waller*; he saith, that he did from time to time settle accounts with Mr. *Aislaby* (his father in law) of his transactions in money and stock for him, and has not any account thereof; that he did keep some memorandums of his said transactions in a book, which book he has since torn, but says he did keep a copy of his accounts with the sword-blade company; that he has from time to time destroyed all his papers and memorandums relating to his transactions for Mr. *Aislaby*; and says, he cannot tell what dealings he has had in stock for Mr. *Aislaby*, but that far the greatest part of his transactions in stock were upon his own account; that 44,000*l.* part of the balance of 77,000*l.* due from the sword-blade company, is the examinant's own money, and the remaining 33,000*l.* belongs to Mr. *Aislaby*: Being asked, whether at the time of his beginning to deal in stock, he was possessed of a considerable sum of money of his own, he refused to answer, alledging, it was his own private concern.

Your Com. afterwards received a letter from the said Mr. *Waller*, dated the 19th of *April* instant, wherein he desires to be again examined, to clear up any mistakes (if there were any) in his former examination, and to give the Com. the best information he could. Whereupon your Com. did take his farther examination, which is as follows: He says, that in *February* or *March*, 1719, when

when he began to deal in stock, he had of the money of his mother, his brother, his own, and his wife's fortune, about the sum of 20,000 *l.* of which his wife's fortune was 5000 *l.* which he had in bank notes; that he employed the said 20,000 *l.* in buying stock.

That he cannot tell how much of this 20,000 *l.* was his own money.

That he never kept any account in writing of that part of the said 20,000 *l.* which belonged to his mother and brother, but that he has told them, what belonged to them.

That his mother and brother gave him leave to imploy their money in stock, but he never had any order in writing from them for that purpose, but has paid them several sums of money upon account thereof, and never took any receipt, order, or other writing from them concerning the same; that he has also transferred some bank stock to his brother.

That the tearing of his books mentioned in his former examination, was at several times, the last of which about the 22d of *August* 1720.

And your Com. inform the house, that the said Mr. *Waller*, upon his said farther examination, did declare, that there was not in the said book any article relating to Mr. *Aislaby*; but this appearing to be in direct contradiction to what he had said in his first examination, your Com. did not insert the same in this subsequent examination, signed by the said Mr. *Waller*, but think it proper to represent this matter to the house.

Your Com. having, in a former report, taken notice, that *James Craggs*, sen. Esq; had 30,000 *l.* *South-sea* stock taken in for him, or his friends, they sent for an account of transfers made to the said Mr. *Craggs*, which was accordingly laid before

fore them, a copy of which account is hereunto annexed in the *appendix*, N^o I. by which your Com. find, that (among other great sums) there was on the 28th of *March* 1720, a sum of 30,000*l.* stock transferred by Mr. *Jacob Sawbridge* (one of the partners of *Turner and company*) to the said Mr. *James Craggs*.

And your Com. proceeded to examine the following persons concerning the transfers.

Mr. *Jacob Sawbridge* (late one of the directors of the *South-sea* company, and a partner with *Turner and company*) says, that in the beginning of *February* 1719, by order of Mr. *Robert Knight*, late cashier of the *South-sea* company, or Mr. *Robert Surman* his deputy, *Turner and company* took in 30,000 *l.* *South-sea* stock, and gave Mr. *Knight*, or Mr. *Surman*, a note for the same, at which time Mr. *Knight* paid into *Turner and company* 67,020 *l.* 1 *s.* 8 *d.* upon the general cash account between the said *Turner and company*, and *Knight* or *Surman* as cashier of the *South-sea* company; and that on the 28th of *March* following, the examinant, by order of the said *Knight* or *Surman*, transferred the laid stock to *James Craggs*, sen. Esq; deceased, without receiving any money, or consideration from him for the same, and at the same time took up his said note, and believes it was upon the file, as other notes usually are. That he did, by the direction of this Com. the night before this examination (which was on the 19th of *April* instant) search upon the file, and not finding it there, he went to Sir *George Caswall* to inquire after the said note, and acquainted him that in searching for the note on the file, he could not find it there; whereupon Sir *George* told the examinant, that he himself had the note not long ago, and believed it was in his scrutore, and accordingly sent his lady to search for it; who returned whilst this examinant was there, and (as

the examinant believes) brought several papers; upon which Sir *George Caswall* told the examinant, he would look for the note, and send it to him the next morning, before he attended the Com. if he could find it; but the examinant said, he had not then received it, nor had heard from Sir *George Caswall*.

Hereupon your Com. sent for Sir *George Caswall*, who being examined says, that about six weeks since, *James Craggs*, sen. Esq; the Postmaster, desired the examinant to look upon the files of *Turner* and company for a note for the delivery of 30,000*l.* *South-sea* stock, which had been signed by *Jacob Sawbridge* (another of the partners of *Turner* and company, on account of himself and company) in these words, or to this effect.

‘ I promise to deliver to *Robert Knight*, or
 ‘ his order, or bearer, 30,000*l.* *South-sea* stock
 ‘ for value received;’ and, (as he believes) was dated the 6th day of *February* 1719, which note was cancelled, the stock therein mentioned, having been transferred to the said Mr. *Craggs*, according to the import of the said note. That the examinant did desire the servants of *Turner* and company to look out this note, which they accordingly did, and found it cancelled, and on the file, and gave it to the examinant, who delivered it to Mr. *Craggs*, supposing he would only have read and returned it; but he kept it; saying, it might be of some use to him upon an occasion, upon which the examinant left it with him. That Mr. *Craggs*, nor any body by his order, never returned this note to the examinant, nor has the examinant seen it, till the morning on which he was examined; that as he was coming, the morning he was examined, to attend the Com. to be examined about *Somerjet-house*, Brigadier *Richards* called out to the coach, which stopped,
 and

and he came to the coach side, and Mr. *Huggins* with him, and Mr. *Huggins* then shewed the examinant the said note, with other papers annexed to it; but what those papers were, the examinant does not know; whereupon Mr. *Huggins* said, that he did not know but the examinant might be asked something about that note, and there it was; that the examinant very well remembers it to be the same note which he had before delivered to Mr. *Craggs* as aforesaid, it being signed by Mr. *Sawbridge*, and the body of the note of the hand-writing of Mr. *Knight*; and Mr. *Huggins* then took the note out of the examinant's hand, and gave it to brigadier *Richards*, and told the examinant that he might tell the Com. that the Brigadier had it, and would produce it; that two or three days ago Mr. *Sawbridge* inquired of him where this note was, and he not then recollecting whether it was in his custody or no, did give directions to his wife to search for it in his scrutore, and found that he had it not, and says, that he knows nothing of his own knowledge of the transaction of this 30,000 *l.* stock.

The said Mr. *Surman* being examined, says, that it appears by books of *Turner, Caswall*, and company, that from the beginning of *February* 1719, to the 7th of *March* following, there was an account kept by them in the examinant's name, of fundry parcels of *South-sea* stock, amounting to 125,000 *l.* stock, for the use, and upon the account of Mr. *Knight*, which account he believes to be true.

That by this account it appears, that upon the 5th of *February* 1719, Mr. *Knight* paid to the said *Turner* and company the sum of 67,020 *l.* 1 *s.* 8 *d.* which he believes might be accordingly paid out of the cash of the *South-sea* company; and at the same time Mr. *Knight* received from *Turner* and

company, a promissary note to transfer 30,000 *l.* *South-sea* stock, value received.

That *James Craggs*, Esq; of the *post office*, sent for the examinant about six weeks ago, and (as he believes) after *Mr. Craggs* had been examined before this Com. and told him, he believed that he (the examinant) would be examined in relation to 30,000 *l.* stock, which he (*Mr. Craggs*) had of *Mr. Knight*; and he then produced an account between himself and *Mr. Knight*, of *South-sea* stock bought or taken in for him; by which it appeared that he was to have upon balance, of *Mr. Knight*, 30,000 *l.* *South-sea* stock, for which *Mr. Knight*, instead of making a transfer himself, gave him a note under the hand of *Jacob Sawbridge*, to transfer 30,000 *l.* stock, value received; which note *Mr. Craggs* shewed him cancelled, and (as the examinant believes) he had since this inquiry began, got it from *Sawbridge*, which is not customary, notes being always, when discharged, delivered up to the person, under whose hand they are, and should remain with them as vouchers.

The examinant says, he verily believes the said note of 30,000 *l.* shewn him by *Mr. Craggs*, was the same note which *Mr. Knight* received from *Turner* and company, upon his paying them the before-mentioned sum of 67,020 *l.* 1 *s.* 8 *d.*

That during the time that the proposals of the *South-sea* company, and the bill thereto relating, was depending in Parliament, he observed the said *Mr. Craggs* more frequently with *Mr. Knight*, than any body else; and believes he influenced *Mr. Knight* in many things relating to stock and subscriptions.

That *Mr. Craggs* never mentioned this 30,000 *l.* stock to the examinant, till since the said *Mr. Craggs's* examination before the Com.

He

He says, he had not any dealings with Mr. *Craggs* upon his own account, but that such transfers of stock, as he has made to Mr. *Craggs*, were made by Mr. *Knight's* directions; and particularly a sum of 4000*l.* stock transferred the 4th of *March* 1719, (being part of the sums mentioned in the said *appendix*, N^o I.) That he does not know that Mr. *Craggs* paid any money for this stock, and whether it was Mr. *Knight's* or the company's stock, the examinant cannot tell.

Sir *John Blunt* being examined, says, that he was not privy to any of Mr. *Craggs's* transactions, but has very often seen him at Mr. *Knight's*. As to the 30,000*l.* stock mentioned in the account now produced to him, and said to be transferred to Mr. *Craggs* by Mr. *Sawbridge*, he says, he can give no account thereof, save that he believes it is the same sum, mentioned in his former examination, to be held for the said Mr. *Craggs*. That he believes the said 30,000*l.* stock was bought by Mr. *Knight*, the 8th day of *February* 1719, upon his own account, and is not charged to be sold by the company, till the 27th day of *February*; which is the time that Mr. *Craggs* desired the quantity of stock, as the examinant has said in his former examination) from which time, till the 28th of *March* following, he believes it was held by the *South-sea* company, for the benefit of Mr. *Craggs*, to whom it appears to be transferred by Mr. *Sawbridge* on the said 28th of *March*. That *Sawbridge* and company were common names made use of by several persons as trustees, to conceal the true buyers or sellers of *South-sea* stock.

Mr. *James Grammer* being examined as to the sum of 2000*l.* *South-sea* stock, transferred by him to *James Craggs*, sen. Esq; on the 4th of *February*, 1719, he says, that he did on the 3d or 4th of *February* 1719, sell 2000*l.* *South-sea* stock, and that Sir *George Caswall* paid him the money for

for it. That upon inspection of the transfer books of the *South-sea* company, on the day of his examination (being the 19th of *April* instant) he finds that he transferred the said 2000*l.* stock to Mr. *Craggs*.

Your Com. farther represent to the house, that they have discovered that the said Mr. *Craggs* had very considerable dealing in *South-sea* stock with Mr. *Matthew Weymondfold*, a broker, between the 30th of *January* 1719, and the 30th of *May* following, amounting to 45,000*l.* stock; an account whereof, as the same has been delivered to your Com. by the said Mr. *Weymondfold*, is hereunto annexed in the *appendix*, N^o II. and your Com. examining the said Mr. *Weymondfold*, he says, that on the 26th of *February* 1719, *James Craggs*, sen. Esq; gave the examinant direction to buy 20,000*l.* *South-Sea* stock for him; that the examinant did accordingly buy on that day 10,000*l.* *South-sea* stock for Mr. *Craggs*, for 17422*l.* 10*s.* 4000*l.* of which was transferred by Mr. *Surman* to Mr. *Craggs* the 4th of *March* 1719, by order of the examinant; for which stock the examinant received of Mr. *Craggs* the sum of 6945*l.* and paid the sum to Mr. *Surman*, and the other 6000*l.* stock the examinant delivered to *Turner* and company, by the order of and for the use of the said Mr. *Craggs*; and *Turner* and company paid the examinant, by Mr. *Craggs*'s order, 10,305*l.* for the same: That the examinant not buying the whole 20,000*l.* so soon as Mr. *Craggs* expected, the said Mr. *Craggs* told the examinant, that Mr. *John Humphreys* had bought for him the other 10,000*l.* That the examinant did on the 4th of *March* 1719, by order of the said Mr. *Craggs* deliver to Mr. *Knight*, another sum of 10,000*l.* *South-sea* stock for the use of the said Mr. *Craggs*, and that Mr. *Knight* paid the examinant 17,000*l.* for the same, that two or three days

days afterwards, the examinant, by direction of said Mr. *Craggs*, took of Mr. *Humphreys* the said 10,000*l.* *South-sea* stock, which he had bought for Mr. *Craggs*, and paid him 17,500*l.* for the said stock, being the money which he (the examinant) had before received of Mr. *Knight* as aforesaid.

Your Com. in the course of their inquiry, finding it necessary to be informed what quantities of stock *James Craggs*, sen. Esq; deceased, had in his own right at the time of his death, directed the proper officers of the *South-sea* company, *East-India* company, and *Bank of England*, to lay before them accounts thereof respectively, to the end your Com. might put what relates to the said *James Craggs* in as clear a light as possible, before this house, which accounts are as follows, viz.

Stock in the *South-sea* company 87,000*l.*

Stock in the *East-India* company 34,000*l.*

Stock in the *Bank of England* 1,000*l.*

Amounting in the whole to 122,000*l.* capital stock: Accounts whereof are hereunto annexed in the before-mentioned *appendix* N^o I. and in the *appendix* N^o III.

Your Com. finding that several brokers and others had been concerned in partnership with Mr. *Knight*, in buying and selling great quantities of *South-sea* stock, and in giving out money for refusals, your Com. proceeded to examine the several persons following, relating thereto.

Mr. *Edward Owen* being examined, says, that he was concerned jointly with Mr. *Holditch* and Mr. *Knight*, in buying about 20,000*l.* *South-sea* stock, in *December* 1719, which he believes at the time of buying was to have been equally divided among them; but in a few days altering their mind, the same stock was sold out at 85*l.* loss,

That

That Mr. *Knight* some time after told the examinant he had bought some stock for himself, and if the examinant would have a part of it, Mr. *Knight* said, he would deliver it to him, at the same price he paid for it, and the examinant did accordingly take of Mr. *Knight* 6000*l.* at 134 to 135, and 4000*l.* at 177 to 178, which several prices he paid Mr. *Knight* by adjustment.

That Mr. *Knight* told the examinant he had had a transaction in *South-sea* stock (as the examinant believes) by which Mr. *Knight* gained 2500*l.* or thereabouts, and that he paid the examinant 1215*l.* 10*s.* 6*d.* for his own use, telling the examinant, that it was his share of that profit.

He says, that at the shutting of the books in *December* 1719, it was a general talk, that something would be done to mend the *South-sea* stock, and that he then heard it was likely some proposals would be offered to the house of Commons relating to that matter: Being asked, from whom he heard it, says, he believes he might have heard it from Mr. *Knight*, and probably from some of the directors.

That some time before *Christmas* 1719, there was a quantity of *South-sea* stock bought and sold, in which this examinant, Mr. *Knight*, and Mr. *Strode*, were concerned with *Turner* and company, by which transaction the examinant gained for his part (to the best of his remembrance) between 4 and 500*l.*

That after the shutting of the *South-sea* books in *December* 1719, Mr. *Strode* bought large quantities of *South-sea* stock, at different prices, some of which stock was sold, and the remainder taken and paid for; that these transactions were on the account of the examinant, Mr. *Strode*, *Turner* and company, and Mr. *Knight*, who were equally concerned: That in the month of *February*, they came to an adjustment, and up-
on

on making up the whole account of stock bought, and refusals given, the examinant received 10,500*l.* *South-sea* stock as his share, upon paying Mr. *Strode* 6000*l.* or thereabouts: And as to the particulars of such transactions, he refers himself to Mr. *Strode*, who kept the account.

The said *Samuel Strode*, being examined, says, that he did on the 26th of *February* 1719, buy of *George Steed* 1500*l.* stock at 170 $\frac{3}{4}$ of *Thomas Carbonnel* 2000*l.* at the same price; of *Abraham Cordoso* 2000*l.* and of *Moses Barrow*, 14,500*l.* at the same price, which sums were so bought by him on account of *Elias Turner*, Sir *George Caswall*, Mr. *Sawbridge*, and the examinant, who were partners therein, in equal four parts.

That on the 31st of *March* 1720, Mr. *Testard* a broker, bought by this examinant's direction, and for his use, the following sums viz 1000*l.* at 304 *per cent.* 5000*l.* at 305, 2000*l.* at 306, 6000*l.* at 308, and 6000*l.* at 310; and the same day the examinant bought himself for his own use 201*l.* at 309, of *Edward Adderly*, and 200*l.* and 308, of *James Round*; that he paid for all these sums by money or adjustments.

And this examinant says, that he did on the 25th of *March* 1720, buy of Mr. *Knight* 1000*l.* *South-sea* stock, for his own use, at the rate of 310*l.* *per cent.* And the examinant says, that he was concerned in buying and selling several large quantities of *South-sea* stock, and in giving out money for refusals of stock in partnership with the said *Turner*, *Caswall*, and *Sawbridge*, Mr. *Knight* and Mr. *Owen*, viz. the said *Turner*, *Caswall*, and *Sawbridge*, and the examinant in one half, and Mr. *Knight*, and Mr. *Owen*, in the other half; the total of the stock, bought by them, and money given for refusals, amounting to about 695,000*l.* stock; accounts whereof are to this examination annexed, and signed by him, which accounts, he says,

says, are true; copies of which accounts are here-
to annexed, in the *appendix*, N^o III.

Mr. *Richard Holditch*, a late director, being examined, says, he was one concerned in buying and selling 15 or 20,000*l.* *South-sea* stock, and says he was concerned another time with Mr. *Knight* in *Holland*, in buying stock there, and selling it again, of which his part was about 26,000*l.* stock, by which the examinant gained about 5000*l.* and says he knows of no other transaction with Mr. *Knight* or Mr. *Owen*, either in stock or subscriptions, since *Michaelmas* 1719.

Your Com. being informed, that *Joseph Shaw*, broker, had been very much concerned in buying and selling *South-sea* stock for Mr. *Knight*, they sent for the said *Shaw*, who being examined, says, that he had very large transactions with Mr. *Knight*, but Mr. *Knight* charged him not to keep any account in his books, nor has the examinant any cash account with Mr. *Knight*, entered in any of his books, but gave it in from day to day on sheets of paper; that he always paid, or gave notes or bills on goldsmiths, for the stock and subscriptions which he from time to time sold for Mr. *Knight*, and which was delivered; that Mr. *Knight* was very angry with this examinant, on his giving into the house of Lords an account of stock sold by him for Mr. *Knight*; that he desired the examinant to defer giving in the said account to the Lords, and that he would give him the names of persons for whom the stock was sold, which he should insert in that account: But this examinant did not receive such names from him. That this examinant was with Mr. *Knight* several times, two or three days before he went away, and Mr. *Knight* desired to see the account which this examinant intended to give into the house of Lords, of stock bought and sold for him: That about the *Thursday* before Mr. *Knight* went
away,

away, this examinant inquired at the treasury-office, where Mr. *Knight* was, and was told, he was gone to the other end of the town, by which he understands to some in the ministry or the treasury. He produced his leidger book, in the alphabet of which Mr. *Knight's* name is entered; but the three leaves, to which it refers, are torn out; he says, those leaves were torn out by him before the sitting of the Parliament, by Mr. *Knight's* direction, in the treasury, or some other room in the *South-sea* house. He says, there might be something, and some other names in those three leaves, which are not in the paper produced by him at his examination: That he knows of no Lord, nor Commoner, named in those three leaves, save what are in the said paper produced; which paper, he says, he took from his journal, from which the entries were posted into the said three leaves of the said leidger, but cannot say that the same is an exact copy. He produced several other books, several of the leaves of which are torn out, which concern Mr. *Knight*: That this examinant never kept a cash book in his life: That all stock bought and sold, is transferred or posted from his journal, produced at his examination, into his said leidgers, but the journal doth not contain all the matters concerning monies that are entered in his leidgers; that page 80, and 81 are torn out of one of his leidgers; that page 9, 10, 11, are torn out of another leidger (marked 3) as also page 7 defaced. All which pages, he remembers, contained accounts of Mr. *Knight*, and are referred to in the several alphabets of those leidgers; that all these leidgers begin in *January* 1719.

Your Com. have other matters under their consideration, upon which they are proceeding, and will in a short time lay the same before the house.

The

The Fourth REPORT.

On Monday the 22d of May 1721, Mr. Clayton, Chairman of the Committee of secrecy, during the indisposition of Mr. Broderick, delivered to the Commons this REPORT, viz.

THE Com. of secrecy, &c. since their former report, having had intimation given them, that several large sums of money had been lent to divers persons mentioned in the book of loans, formerly laid before this house by the late directors of the *South-sea* company, for security whereof no stock has been actually transferred; they did by their order bearing date the 24th day of *April* last past, direct the present Sub-Governor, Deputy-Governor, and Directors of the *South-sea* company, to lay before them an account of the names of all persons who are mentioned in the said book of loans to have borrowed money on stock, and the sums by them respectively borrowed, for security whereof no actual transfer of stock had been made; pursuant to which order, upon the 9th day of *May* instant, the said court of directors did lay before your Com. a book (by them intitled, *An account of the names of such persons to whom loans have been made on South-Sea stock, who at the time when such loans were made, do not appear by any books to have transferred stock to the South-Sea company, for the security thereof:*) And the court of directors have added to the said title, the words following; *But as all or most of the money lent, was by granting permits to any names without distinction, or any regard had by whom the stock was transferred, it is doubted that this account may be very defective; and it is probable, that many*

ny of the names herein may be fictitious, and that many others may be able to shew how, and by whom, the stock for the money lent them respectively was really transferred, if they should be called upon so to do. And your Com. observe, that the last mentioned book contains the names of several persons mentioned in the aforesaid book of loans, to have borrowed money upon stock, to the amount of 2,181,944*l.* 11*s.* upon the security of 578,888*l.* stock, which doth not appear to have been transferred to the use of the company.

And in relation to this matter, your Com. proceeded to examine, in the most solemn manner, the several persons following, and do now lay before the house, the examination by them taken, in the words of the examinations themselves.

Mr. *Charles Lockyer*, accountant to the *South-sea* company, says, that he hath carefully examined the books of loans, and the books of transfers of the said company, by order of the Com. of secrecy; and upon inspection of the said books does find, that the sum of 2,181,944*l.* 11*s.* has been lent by the said company, at several times, to the particular persons mentioned in an account drawn out by this examinant, upon the sum of 578,888*l.* stock supposed to be transferred to the use of the said company, as a security for such money; but this examinant, upon the strictest examination of the books and accounts belonging to the *South-sea* company, cannot find or discover, that any of the said persons, or any other for them, at the respective times of the loans made to them, did make, or cause to be made, any transfer of such stock upon which the said loans are entered to be made, or of any stock whatsoever, unto or for the use of the company, for securing the re-payment of the money then borrowed, amounting in the whole to the aforesaid sum of 2,181,944*l.* 11*s.* And this examinant does not

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know that any stock was transferred by, or for the said persons, for the security of the said money, or of any part thereof.

Sir *John Blunt* being examined, says, he takes it, there was a good deal of money lent to the persons who had bought stock; and in such case the real borrowers were not the transferrers, but the persons of whom they had bought, transferred the stock to Mr. *Knight*, *Surman*, or *Powell*, for securing the money lent by the company. He says, He really believes that Mr. *Knight* generally made good the stock which he has charged the company to have lent money upon, tho' he has heard that some persons are charged with borrowing money, who never did borrow any. He says, he believes there is a considerable quantity of stock on which money is said to be lent, where no stock is transferred; and the examinant apprehends that great part of that deficiency will be found among the 574,500 *l.* fictitious stock, said to be sold, which he believes has been transferred to the loan account.

Mr. *Robert Surman*, being examined, as to the account of loans where no transfers appear to be made, says, that he believes that Mr. *Knight* having accounts of stock with several persons, he carried their stock to the account of loans. He says, when the loans were at first begun to be made, there were several waste-books kept, wherein the sums lent out were first entered, and all the papers and memorandums relating to the loans were given to Mr. *Clayton*, a clerk in the *South-sea* house, but he does not remember whether he has seen those books since the inquiry began or no. He says, that the ledgers of the loans (he believes) were made up about a month before Mr. *Knight* went away: Says, he believes that several of the persons who had the fictitious stock, had money lent upon it on the company's account; and in such cases no transfers could be made; and he believes that part of the

578,888 *l.*

578,888*l.* stock, on which money has been lent without transfers (appearing in the account now produced to him) is part of the 574,500*l.* fictitious stock.

The said *Christopher Clayton*, being hereupon examined by your Com. says, he and the clerks under him, did, by direction of the Com. of loans, and of Mr. *Knight*, make up the account of loans from books which he now believes are at the *South-sea* house in the custody of Mr. *De Gols*; that the instructions given him, were to make the account from the copies of the journals; that Mr. *Knight* perused this account when made, and examined it, and corrected it by the journals and other books of his own; that Mr. *Knight* had the custody of the original journals; and before the copies from which this examinant took the account were made, the examinant believes that Mr. *Knight* made some additions to the original journals from his own books. Says, that he never had any instructions or order from Mr. *Knight*, or any other person, to make this account in such a manner, as not to exceed the regulations of 400*l.* per Cent.

The Fifth R E P O R T

Was on the 26th of May delivered to the Commons, as follows.

THE Committee of Secrecy, &c. having on the 25th of *May*, instant, examined in the most solemn manner, Mr. *Samuel Watts*, a clerk in the treasury office of the *South-sea* company; he says, that some time in *January* last, about a fortnight after the first meeting of the Secret Com. at the *South-sea* house, Mr. *Lockyer* came up into the treasury-room from the secret Com. and said they wanted Mr. *Christopher Clayton*, then a clerk to the *South-sea* company; who not being there, he asked

for the examinant; who said, 'Here I am;' and then Mr. *Lockyer* inquired of the examinant, who the clerks were that made out the books of loans? And the examinant acquainted him, that himself, *James Ottey*, *Geo. Woolley*, and *Stephen Crisp*, were clerks employed in making out those books; and then Mr. *Lockyer* went down stairs, and desired the examinant not to be out of the way. That soon after, Mr. *Clayton* came in, and the examinant told him the Com. wanted him below stairs. *Clayton* then asked him, if the examinant knew for what the Com. wanted him? The examinant replied, 'He did not know,' but that Mr. *Lockyer* had desired him to attend: Upon which *Clayton* said, he heard the examinant had given Mr. *Lockyer* the names of the clerks who assisted Mr. *Clayton* in making out the book of loans. Upon this *Clayton* said with a curse, 'What had you to do to tell their names? If you had a mind to bring your self into a premunire, why should you bring them; am not I sufficient to give an account for them?' And walking about the room in a passion, said, that the examinant had nothing to do to discover any thing: especially to Mr. *Lockyer*, who was a rogue and a villain, and had discovered all; and that he would therefore be despised and puffed upon by every body; and then said, that if this examinant was summoned before the Com. of secrecy, he was to answer, 'That he knew nothing but that the examinant was subordinate to him, and that what the examinant had done was by his direction, and he was answerable for it; and laying his hands violently on the examinant's face, squeezed his jaws very hard, and said, if the examinant discovered any thing he would be the death of him. That *Clayton* then asked the examinant, what he did know? To which the examinant replied, he knew enough, and that when he was examined before his

his betters, he would tell the truth. *Clayton* asked again, what the examinant did know? To which the examinant answered, he should know in time.

The Sixth R E P O R T

On Monday the 5th of June, *Mr. Clayton* delivered the following R E P O R T, viz.

THE Com. of Secrecy, &c. observing the instructions given them by the house, that they should proceed in the farther examination of the particulars of the 574,500 *l. South-sea* stock, supposed to be disposed of between the 4th of *February*, 1719. and the 12 of *April* following, they have accordingly proceeded therein.

And your Com. examined in the most solemn manner *William Compere*, one of the persons mentioned in the account of the said 574,500 *l. stock*; and he declares he did not buy the quantity of stock in the said account charged to be sold to him, neither of the *South-sea* company, *Mr. Knight*, *Mr. Surman*, or any other person concerned for the company to his knowledge, nor had he any such stock held or taken in for him by any of the persons aforesaid.

And the several other brokers and persons mentioned in the *Appendix* (A) who are also inserted in the said account as buyers of other parts of the said stock, having been examined by your Com. have in the like manner denied their buying such stock, or having the same taken in or held for them, and have declared that their names are in the said account made use of without their knowledge or consent, and your Com. observe, that the several sums mentioned in the *Appendix* (A) amount to 339,500 *l. South-sea* stock.

And from hence it is evident, that the names of the said persons have been fictitiously made use of, in order to conceal the persons for whose benefit such stock was really disposed of.

Mr. *Carbonnel*, a broker, in the said account mentioned, is in *Holland*, as your Com. is informed, and they have had no opportunity of examining him, or the other persons mentioned in the *Appendix*, letter (B) hereunto annexed; and the said stock charged as sold to them, amounts to 32,000*l*.

As to the Lords of Parliament, and members of this house, named in the said account of stock sold, which account of stock amounts in the whole to 124,000*l*. the particulars of which are mentioned in the *Appendix* (C); your Com. lay before the house all the examinations by them taken relating thereto, in the words of the examination themselves.

Mr. *Robert Surman* being examined, and shewed the said accounts of stock sold, as to the several articles of 30,000*l*. and 2,000*l*. stock to Lord *Chetwynd*, of the 15th and 17th of *February*, 1719. at the rates of 179 and 182 *l. per Cent.* says, that when he was (by Mr. *Knight's* direction) preparing the said account of stock sold, to be laid before the house, Mr. *Knight* read those sums to him out of the green book (mentioned in his former examination) wherein this examinant at the same time saw the Lord *Chetwynd's* name, at the head of an account therein kept between his Lordship and Mr. *Knight*; and the examinant verily believes, that his Lordships name and the aforesaid sums, and all other names and sums which were read out of the said green book, are real, and that such persons had such stock actually held for them; and that these two sums were really held by Mr. *Knight* for Lord *Chetwynd's* benefit, who had the power over so much stock, and had a right at any time to demand the difference, in case of a rise; and the examinant never

ver heard that his Lordship either paid any money, or gave security for paying for the said stock.

That the several entries in the account book of stock sold, viz.

	l.	l.	
To Thomas Wynne, Esq; 2000	at	180	February 15.
John Roberts, Esq; ———1000	at	178	March 1.
Edward Rolt, Esq; ———5000	at	174 $\frac{1}{4}$	Ditto.
Samuel Tuffnel, Esq; ———5000	at	182	Ditto 11.
John Bridge, ———2000	at	200	Ditto 17.
Col. James Scot, ———1000	at	250	Ditto 21.
William Chetwynd, Esq; 3000	at	275	Ditto 22.
The same person, ———4000	at	280	the same day.
Thomas Wynne, Esq; —2000	at	275	March 22.
William Forrester, Esq; 1000	at	272	the same day.
Col. Monroe, ———6000	at	275	the same day.
Patrick Halden, Esq; —2000	at	280	the same day.
Edward Rolt, Esq; ———3000	at	285	the same day.
Earl of Rothes, ———2000	at	300	March 13.
Earl of Essex, ———2000	at	305	the same day.
Lord Haddington, ———2000	at	308	the same day.
Marquis of Winchester —2000	at	310	the same day.
Joseph Banks, Esq; ———1000	at	310	the same day.
William Chetwynd, Esq; 3000	at	310	the same day.
Col. Montgomery, ———2000	at	315	the same day.
Sir Montague Blundel, —2000	at	318	the same day.
Sir Willfred Lawson, —1000	at	320	the same day.
William Young, Esq; ———3000	at	330	the same day.
Col. Grahame ———2000	at	280	March 22.

were all read to this examinant by Mr. Knight, out of the said green book, and are of the same nature; and touching these sums, he says the same as he has said concerning the first mentioned sums of 30,000*l.* and 2000*l.* charged to be sold to the Lord Chetwynd.

As to the article of the 15th of February, 1719. of 4000*l.* stock, and charged to be sold to Lieutenant General Pepper, at 180*l.* per Cent. This examinant says, it is of the same nature as the first men-

tioned sums; and farther, this examinant believes that General *Pepper* had such stock taken in for him by Mr. *Knight*.

Mr. *Knight* some time after the said 15th of *February*, told the examinant, that he had sold it for the General, who was angry at his selling of it so soon, stock soon after rising higher; and the examinant believes (if there was any difference) the same was paid or accounted for by Mr. *Knight* to General *Pepper*.

As to the article of 4000*l.* at 276*l.* per Cent. and 3000*l.* at 300*l.* per Cent. of the 23d and 25th of *March*, charged to Sir *William Gordon*, the examinant says, they are of the same nature as the first mentioned sums; and farther, that he had several times seen Sir *William Gordon* with Mr. *Knight*, and verily believes the account of the said sums were adjusted between them.

As to the article of the 15th of *February* of 20,000*l.* to Lord *Gower*, he says, That that was a transaction of Mr. *Gibbon's*, who brought to Mr. *Knight* a paper, containing the names of persons to whom he had disposed of the company's stock, saying, 'Here is the account of the stock which I have disposed of.' That he believes the following names and sums.

	<i>l.</i>	<i>l.</i>
Lord <i>Gower</i> for the said 20,000	at 180	<i>February</i> 15.
Lord <i>Lansdown</i> for——— 5,000	at 180	<i>March</i> 1.
His Lordship more——— 5,000	at 176½	the same day.

were contained in the paper of Mr. *Gibbon*, and from that paper were entered by the examinant in the said account of stock sold, that he does not know these names were in the green book, but believes an account was kept between Mr. *Gibbon* and Mr. *Knight* in the said green book, the examinant having seen Mr. *Gibbon's* name in that book,
at

at the head of an account, and believes that these sums were held or taken in for the use of the said Lord *Gower* and Lord *Lansdown*.

That the following entries in the account of stock sold, viz.

1000*l.* to Sir *Cop. Bampffield*, at 275 per Cent. March 22.

1000*l.* to Mr. *J. Bampffield*, at the same price and time.

1000*l.* to Sir *John Bland*, at the same.

1000*l.* to Sir *Thomas Seabright*, at the same.

1000*l.* to *Henry Dracks*, Esq; at 260 *l.* same day.

1000*l.* to *Charles Longueville*, Esq; at 325 *l.* March 25.

1000*l.* to Sir *William Carew*, at 300 *l.* March 31.

were all brought by Mr. *Chester* to Mr. *Knight*, in a paper containing an account of the stock disposed of by him, in the same manner, as Mr. *Gibbon* brought his particular sums, and from that paper the examinant (by Mr. *Knight*'s direction) entered these sums in the account of stock sold.

That in discourse with Mr. *Knight* since this inquiry began, Mr. *Knight* has often expressed a great deal of uneasiness on account of stock sold and bought for the company, saying, he had in these affairs obliged several persons, whom he did not care to name.

Your Com. at the request of the said Mr. *Forrester*, examined Mr. *John Mark*, banker, and as to the article of the 23d of March, 1719, of 1000*l.* *South-Sea* stock charged to be sold to the said Mr. *Forrester* at 272*l.* per cent. he says, he did about this time buy at market for Mr. *Forrester*, 2000 or 3000*l.* *South-sea* stock, at or about that price, and that Mr. *Forrester* being disappointed of money to pay for 1000*l.* of it (Sir *Lambert Blackwell*, who had bought an annuity of 100*l.* of him, not paying for it, because of an objection to the title) Mr. *Forrester* applied to the examinant to lend him money upon the 1000*l.* stock,

stock, for two or three days, which the examinant not being able to do, he desired him to get it for him of a friend; upon which the examinant applied to Sir *Lambert Blackwell*, and he told him, he would ask Mr. *Knight* to do it, which Mr. *Knight* by Sir *Lambert's* desire, accordingly did, upon the examinant's engaging to pay him the money in a few days, and the examinant named Mr. *Forrester* to Sir *Lambert Blackwell*.

The examinant afterwards told Mr. *Forrester*, he had got the stock taken in for him for a few days, but did not tell him by whom; that in a short time afterwards, Mr. *Forrester* paid the examinant the principal and interest, and the examinant paid Mr. *Knight*.

Mr. *Mark*, in a subsequent examination, says, that (to the best of this examinant's remembrance,) the 1000*l.* stock mentioned in his former examination, was by Mr. *Forrester's* direction, transferred to Mr. *Sambrooke* by this examinant, before this examinant paid Mr. *Knight* the money mentioned in his said former examination.

Sir *Lambert Blackwell* being likewise examined, at Mr. *Forrester's* request, says, that about *February* or *March*, 1719. Mr. *Mark* told the examinant, that he had bought 1000*l.* stock for Mr. *Forrester*, and that Mr. *Forrester* wanted money for a few days to pay for it; Mr. *Mark* desired the examinant to speak to Mr. *Knight* to advance the money, (which the examinant accordingly did; and the examinant afterwards told Mr. *Mark*, that Mr. *Knight* did advance the money) upon his agreeing to repay it; and that he, Mr. *Mark*, repaid it with interest, very soon after it was so borrowed.

Mr. *John Edwin* being also examined, at the desire of Mr. *Forrester*, says, he never heard of the said 1000*l.* till the account of stock sold was laid before the house: That since that time he
met

met Mr. *Forrester* at a tavern, who seemed to be much surprized at the charge of 1000*l.* stock to him, and declared, that he knew nothing of it; and he gave the examinant, and the rest of the company there, such a relation of the matter, as induced them to believe he was clear of the affair, but the particulars of this relation this examinant cannot remember.

As to the article of 2000*l.* stock charged to Sir *Montague Blundell* (now Lord *Blundell*) your Com. (at his Lordship's request) examined *William Chetwynd*, Esq; *Charles Colbourne*, and Mr. *Robert Surman*. Mr. *Chetwynd* says, that on or about the 28*th* day of *March*, 1720, the said Lord *Blundell* desired this examinant to transfer 500*l.* *South-Sea* stock, which the examinant had in trust for Lord *Blundell*, to Mr. *Knight*, as an additional security for 1000*l.* stock taken in by him for Lord *Blundell*, at 316*l.* *per cent.* amounting to 3160*l.* which the examinant accordingly did.

That the examinant thinking the said 500*l.* stock, together with the said 1000*l.* stock, more than a sufficient security for the said 3160*l.* did apply to Mr. *Knight* to take in 1000*l.* stock for him (the examinant) upon the said 5000*l.* of additional security, at 320*l.* *per cent.* or thereabouts, which Mr. *Knight* complied with at the sole request and desire of the examinant.

That neither this examinant, nor Lord *Blundell*, have received any manner of profit or advantage by either of the said 1000*l.* stock; for the said 2000*l.* now remains in the hands of Mr. *Knight*, or his agents; together with the 500*l.* stock additional security, which they in all probability must lose in this affair.

The said 2000*l.* stock are distinct accounts; for this examinant did transfer to the said Lord *Blundell*'s use, 250*l.* stock, being his share of the additional security aforesaid; and this examinant did believe,

believe, when this matter was transacted, that it was an account with Mr. *Knight* only, wherein the company was no ways concerned.

The said *Charles Coleburne* being examined says, he did, on or about the 26th of *March* 1720, buy 1000 *l.* *South-sea* stock, by the direction of Mr. *Thomas Holdip*, and Mr. *William Cbetwynd*, or one of them, but for the account of the said Lord *Blundell*, at the rate of 316 *l.* per cent. which stock was paid for by Mr. *Surman*, by order of Mr. *Knight*, on or about the 28th day of the said *March* 1720. and at the same time 500 *l.* more stock was transferred by the said Mr. *Cbetwynd* to the said *Surman*, which (as the said *Cbetwynd* then informed this examinant) was so transferred for, and as a farther security for the repayment of 3160 *l.* then paid for the said 1000 *l.* stock at the said rate of 316 *l.* per cent. with interest for the same.

The said *Surman* being examined says, there was 2000 *l.* stock charged to Lord *Blundell*, read to the examinant out of the green book, as he has said in a former examination.

That about the 26th of *March*, 1720. *William Cbetwynd* brother-in-law to Lord *Blundell*, transferred 500 *l.* stock to this examinant, which he understood was an additional security for stock taken in by Mr. *Knight*; that after the inquiry began in Parliament about the *South-sea* affairs, Mr. *Cbetwynd* came to the examinant to know how that 500 *l.* was applied; and the examinant told him that it still remained due from him to Mr. *Cbetwynd*, and at that time Mr. *Cbetwynd* told him the examinant, it was a security taken in by Mr. *Knight* for Lord *Blundell* and himself; and this examinant believes Lord *Blundell* was then with Mr. *Cbetwynd*, by reason the examinant, thro' the hurry of business, had neglected to take directions from Mr. *Knight* how to apply it.

The

The said Mr. *Robert Surman* being at the request of *Thomas Wynn*, Esq; farther examined by your Com. as to the said stock said to be sold by him, says, he can say no more concerning that matter than he has said in his former examination.

Sir *John Blunt* being examined the 26th of *January*, 1720, says, he was privy to the selling of stock for the company; that he did himself dispose of 6000 *l.* part of the company's said stock, to Col. *Monroe*, a member of Parliament, at 275 *l. per cent.* that to the best of the examinant's remembrance, Col. *Monroe* desired some stock to be taken in for him (that is, to have the money advanced for him for so much stock) that he sent one *Lopez* a broker to him, to take it in; but this examinant had leave from some of the governors and directors, to let Mr. *Monroe* have so much of the company's stock; and upon that, this examinant told the broker he would take it in for him, and sell it himself, that there was no stock transferred, but this examinant gave Mr. *Knight* an account of so much of the company's stock sold to Mr. *Monroe*; that in *April* last (to the best of his remembrance) Col. *Monroe*, or his brother, desired his stock might be sold, and upon that, this examinant refered him to Mr. *Knight* to deliver it; that he does not know that Col. *Monroe* gave any security to the company to answer the 275 *l. per cent.* other than the said agreement made between this examinant and the said broker.

That he also disposed of 1000 *l.* other part of the company's said stock, to *Jos. Banks*, Esq; (a member of this house) at 310 *l. per cent.* who desired this examinant to sell him so much stock at the market price, and to take his note, payable in a month or six weeks, for the money which he accordingly did, which was paid about *May* following, at which time, the stock was advanced in value; and this examinant paid that money to Mr. *Knight* for the company's use, soon after he received it.

That

That after the time of agreeing with Mr. *Banks* for this stock, it fell in value for some time; that this was thus transacted: Sir *John Blunt* gave Mr. *Banks* a note to transfer the quantity of stock, and took Mr. *Bank's* note for the money: Sometime after these notes were given, and after the money paid, Mr. *Banks* desired to borrow 4000*l.* (as he believes) on this stock; and he believes Mr. *Knight* took this examinant's note as so much stock; that he believes Mr. *Knight* lent him 4000*l.* accordingly, in *June* last; that he had no view towards the facilitating the bill in the disposal of this stock, the said Mr. *Monroe* and Mr. *Banks* being inclined to pass the bill, before the stock was disposed of to them (as they had declared to him.) Your Com. at the desire of the said Col. *Monroe* examined *Gabriel Lopez* a broker, as to the said 6000*l.* stock charged to be sold to Col. *Monroe*; and he says, that about the middle of *March* 17 $\frac{1}{2}$ ^o, the said Col. *Monroe* sent for him to *Garaway's* Coffee-house, and gave him a letter directed to Sir *John Blunt*, in which (to the best of the examinant's remembrance) Col. *Monroe* desired him to take in for him 6000*l.* *South-sea* stock at interest, and that he would repay him again in a month. At the same time, Col. *Monroe* ordered the examinant to buy for him the said sum of 6000*l.* *South-sea* stock, which the examinant did at the same time, of Sir *John Blunt*, at 275*l.* per cent. which was the then market price; and Sir *John Blunt* did at the same time agree to place the said sum of 6000*l.* *South-sea* stock, to Col. *Monroe's* account; and says, that within a month afterwards, Col. *Monroe* ordered him to sell the same 6000*l.* *South-sea* stock again; which he accordingly did, to Mr. *Patterson*, at 330*l.* per cent. And Mr. *Patterson* and Mr. *Surman*, by order of Sir *John Blunt*, did adjust the said stock with Col. *Monroe*, who did (to the best of his remembrance) pay about 80*l.* for interest, and Sir

John

John Blunt, gave the examinant commission for selling the said stock.

The said *Thomas Patterson* being hereupon examined by your Com. at the desire of the said Col. *Monroe*, he says, that at the latter end of *March*, 17 $\frac{1}{2}$ ⁸, Col. *Monroe*, desired the examinant to lay out some money for him in *South-sea* stock; upon which, the examinant gave the Colonel a letter of credit on Mr. *Lopez*, (who transacted mostly the examinant's business) to act for the said Col. *Monroe*, to the value of 20,000 *l.* in a day or two after (the examinant says) the Colonel intreated him to take in 6000 *l.* *South-sea* stock for a month, which stock he would purchase; the examinant being much out of cash, which prevented his complying, he went with the Colonel to the *Sword-blade* company, and proffered himself as a farther security to Sir *George Caswall*, if he would take in the said stock. Sir *George* acquainted them, he had disposed of all the money he could spare, and the then examinant came from the *Sword-blade* office with the Colonel to *Garraway's* Coffee-house; Sir *John Blunt* being in the coffee-room; the examinant said to the Colonel, you are acquainted with Sir *John Blunt*, he is a monied man ask him to lend the money on 6000 *l.* *South-sea* stock, and tell him, I will be a farther security for seeing the money repaid. Upon this the Colonel went to Sir *John Blunt*, and in a little time after the examinant went to them, and told Sir *John Blunt* he would be bound for any money he should lend the Colonel on stock, which Sir *John Blunt* did not object to, and from that time the examinant thought himself bound to see the money repaid, which Sir *John Blunt* should lend the Colonel on stock; and in a few days after, the Colonel acquainted the examinant, that *Lopez* had bought for him 6000 *l.* *South-sea* stock, at 257 *l.* per cent. and that Sir *John Blunt* had lent the money, and desired the examinant to be ready to answer the difference if any should

should happen; the examinant told the Col. he was ready when Sir *John Blunt* should demand it. That in the beginning of *April*, Sir *John Blunt* at the *South-sea* house, told the examinant he should want his money before the 1st of *May*, 1720, and thereupon the examinant assured him he might depend on its being repaid, for he would sell the stock and see it performed. Accordingly the examinant sold the stock in *April*, and Sir *John Blunt* sent the examinant's broker to *Surman* to deliver the Stock. He says the money with interest was repaid *Surman* on the delivery of the stock, and that he did not know Sir *John Blunt* sold the stock, or that it was the company's, till *January* last, for the transaction appeared to the examinant as if it had been upon Sir *John's* own account.

Your Com. having received a letter from Mr. *Banks*, desiring that Sir *John Blunt* might be farther examined as to the said 1000*l.* stock: Your Com. accordingly again examined him, and he says, that he never did tell Mr. *Banks* that this was the company's stock till about *Christmas* last, and he believes till that time Mr. *Banks* did not know that it was so; that about *Christmas* last, after this inquiry began, the examinant went to Mr. *Banks*, and told him, this 1000*l.* was the company's stock; at which Mr. *Banks* was very much surprized, but said, that it signified nothing to him, or to that effect: The examinant says, he also (by the direction of Mr. *Knight*) offered to leave Mr. *Banks's* name out of the list, which Mr. *Banks* refused, saying, as he had bought it, and honestly paid for it, and more than he could afterwards have bought it for, he would not have his name cancelled, or to that effect; that Mr. *Banks* also, a day or two afterwards, wrote the examinant a letter to this purpose, which letter he has at present mislaid.

Your Com. likewise, at Mr. *Banks's* request, examined Mr. *Joseph Banks* jun. his son; who says,
that

that he was not present either when his father *Joseph Banks*, Esq; bought the said 1000 *l.* *South-sea* stock of Sir *John Blunt*, or paid him 3100 *l.* for it, on the 6th of *May* 1720, but was informed thereof by his father, who talked of it publicly, not as a favour done him, nor a thing to be concealed, but as an accidental bargain, and often said, he could have bought it soon afterwards near 500 *l.* cheaper in *Exchange-alley*.

That about the 9th or 10th of *June*, when stock was 750 *l.* *per cent.* and the *South-sea* company were making a loan of 400 *l.* *per cent.* on their stock, the examinant desired his father either to borrow or let him borrow 4000 *l.* on that stock; which he consented to, but told the examinant, that Sir *John Blunt* (to save the charge of a transfer, and being in a hurry) had only giving him a note for transferring the said stock, and then gave the examinant the said note, of which he kept a copy, and the same is in the following words.

May 6th, 1720.

I Promise to transfer to *Joseph Banks*, Esq;
or order, 1000 *l.* *South-sea* stock, value
received.

John Blunt.

Which note the examinant, on the 10th of *June*, carried to the *South-sea* house, and inquired for Sir *John Blunt*; and after some time found out the room at the bottom of the great stairs, where he was with several other gentlemen, and was called in, and shewing him the note, told him, that he was come to have the said 1000 *l.* stock transferred to Mr. *Banks*, which Sir *John Blunt* said he would do immediately; but there being then a great crowd, he desired the examinant to stay a quarter of an hour, which the examinant accordingly did, but the crowd still continuing, Sir *John Blunt* refused to go; at

which the examinant being angry, and not willing to wait any longer, Sir *John* said, he would desire Mr. *Knight* to do it for him, and that he would transfer the like sum to Mr. *Knight* another time; which the examinant consented to, and gave him up his said note, taking of him at the same time another note, in the following words.

June 10th, 1720.

I Promise to transfer to Robert Knight, Esq; or order, 1000*l*. South-sea stock, value received 1000*l*. South-sea stock of John Banks, Esq:

John Blunt.

Which note the examinant immediately conveyed to Mr. *Knight* in a room up stairs at the *South-sea* house; and having acquainted him with the matter, gave him Sir *John Blunt*'s last mentioned note, upon which he made an entry in a book, which the examinant says, he thought was transferring it, but the examinant did not sign any thing, but received from Mr. *Knight* 4000*l*. for his father's use, as a loan upon the said stock; which Mr. *Knight* very readily paid him without taking any note or security for it, from the examinant, save the delivering up Sir *John Blunt*'s note as aforesaid.

That there was not one word passed from Sir *John Blunt* to Mr. *Knight*, as if that stock had been the company's stock, nor did the examinant think, or in the least suspect it to be so; that the said 4000*l*. is not yet repaid, but remains due upon the said stock, for ought he knows.

Your Com. at the request of Col. *Scott*, examined Charles *Asgill*; who says, that on or about the 1st day of *April*, 1720, he did, by order of Mr. *Thomas Patterson*, buy of *Mathew Weymond* sold, 1000*l*. *South-sea* stock, at 309*l*. per cent. to be paid for on the 4th of the same month; that applying to Mr. *Pat-*
terson

terson for the money to pay for the same, he ordered this examinant to go to *Mr. Knight* in the name of *Col. James Scott*, to borrow it; that the examinant accordingly went, but *Mr. Knight* would lend no more than 2500*l.* on the said 1000*l.* stock, being after the rate of 250*l.* per cent. of which this examinant acquainted *Mr. Patterson*; who approving thereof, gave this examinant 590*l.* to reduce the said 1000*l.* stock from 309, to 250*l.* per cent. which being done, the said 1000*l.* stock was, on the said 4th of *April*, 1720, transferred by *Mr. Surman*, by *Mr. Knight's* order, at 250*l.* per cent. that this whole affair was transacted by the direction of *Mr. Patterson*, and the examinant did not know *Col. Scott* till a considerable time after.

The said *Mr. Asgill* being also examined, at the request of *Col. Montgomery*, as to the said 2000*l.* stock charged to be sold to him; says, that on or about the 29th of *March*, 1720, this examinant, by the order of *Mr. Thomas Patterson*, went to *Mr. Robert Knight* in the name of *Col. Montgomery*, to borrow money on 2000*l.* *South-sea* stock, which *Mr. Knight* complied with; but said, he would lend no more than 5000*l.* on 2000*l.* stock, being at the rate of 250*l.* per cent. unless 500*l.* stock more was transferred to him, or his order, as a farther security, and then he would lend 6300*l.* being after the rate of 315*l.* per cent. the then market price; but told this examinant, that if the gentleman had not bought the said 2000*l.* stock, not to let him buy it, for that he (*Mr. Knight*) would sell it him, rather than puzzle his accounts with transfers, and being at the trouble of raising the money; of which this examinant acquainted *Mr. Patterson*, who approving thereof, ordered the examinant to buy the said 2000*l.* stock of *Mr. Knight*, which he did accordingly at 315*l.* per cent. and *Mr. Knight* agreed to continue the said 2000*l.* stock in his own name, on condition

that the said 500*l.* stock was transferred, as a farther security for the taking of the said 2000*l.* stock, and payment of the said 6300*l.* being 315*l.* *per cent.* agreed to be paid as aforesaid with interest, which 500*l.* additional stock was accordingly transferred to Mr. *Surman* by Mr. *Knight*'s order, on the same day, or the day following: That this whole affair was transacted by Mr. *Patterson*'s direction, and that he did not know Col. *Montgomery* till a month after, or longer.

Your Com. examining the said *Patterson*, at the request of the said Col. *Scott*, and Col. *Montgomery*, he says, that about the latter end of *March*, 1719, Col. *John Montgomery* and Col. *James Scott*, desired the examinant to buy some *South-sea* stock for their use, and upon their account, which the examinant consented to; and thereupon sent for Mr. *Asgill* a broker, and gave him directions to buy 3000*l.* *South-sea* stock, *viz.* 2000*l.* for Col. *Montgomery*, and 1000*l.* for Col. *Scott*, and told *Asgill* he would give any security that should be demanded by any person, who would take in the said 3000*l.* stock. *Asgill* then said to the examinant, he would go and propose it to Mr. *Knight*; and *Asgill* returned to the examinant in half an hour, and acquainted the examinant, Mr. *Knight* would take in 2000*l.* stock for Col. *Montgomery*, if 500*l.* more stock was transferred to him for securing the same: And that Mr. *Knight* would lend 2500*l.* money on 1000*l.* stock for Col. *James Scott*, both which the examinant approved of, and ordered *Asgill* to buy the 1000*l.* stock for Col. *James Scott*, and gave him money to reduce the stock to 250*l.* *per cent.* and the examinant transferred the 500*l.* stock to Mr. *Knight* for Col. *Montgomery*.

Sir *John Blunt* being examined, and asked whether he did not know, or believe that the said 574,500*l.* stock, or any part thereof, was disposed of to facilitate the passing of the bill in Parliament? He says, that
the

the first parcel (to the best of his remembrance) of the said stock which was disposed of (as this examinant was informed by Mr. *Gibbon* one of the directors) was about the sum of 20,000 *l.* or 30,000 *l.* sold or disposed of by the said *Gibbon* (to the best of his remembrance) that the intention thereof was for the service of, and to make more friends for the company, and he does not know at what price: That he does not know whether any money was, or was not paid to the company for the said stock, nor does he know any thing more relating to the said transaction.

Your Com. examining the said Mr. *Gibbon* as to the account of stock entered in the cash-book to be sold, he says, he never saw any account of it, but what is in the book, until a paper drawn up by Mr. *Knight* was shewn him, after the order of the *house of Commons*, and he looked upon it but cursorily.

He says, that about the latter end of *February* last Mr. *Knight* said to him, it would be for the company's advantage to sell some stock, it being then at a good price, between 170 and 180 *l. per cent.* and if the bill did not pass, it would be well sold, and if it did pass, the rest would sell at a better price; that he does not know that the company had then stock to dispose of.

That Mr. *Knight* said, he was to take upon himself the transacting that stock, and the persons to whom it was to be delivered were to be accountable for the price; but that he was to transact this on behalf of the company; and that the persons who were to have it, might either have it transferred to them, or take the difference.

He does not know of any stock disposed of to any member of either house of Parliament, except what is mentioned to be done by him in the account delivered into the house; and does not remember any one else desired stock.

He believes that Mr. *Knight* told him, that Mr. *Holditch* and Mr. *Hawes* disposed of stock to members of the *house of Commons*, who are not named in the account delivered into the house.

As to the 20,000 *l.* charged in the account to Lord *Gower*, he says, that Lord *Gower* sent to him about the latter end of *February* last, to help him to buy 20,000 *l.* stock, which this examinant said he would try to do, and believed he could do it; that the same day, or the next day, this examinant spoke to Mr. *Knight*, and asked him to undertake to deliver this stock at three months time at 180 *l. per cent.* which he complied with; and this examinant took Mr. *Knight's* note for so much stock accordingly; and it was understood that the stock was to be delivered three months after, it being not paid for before, with the interest in the mean time: That he gave Lord *Gower* his own note for the delivery of this stock in three months, and took his Lordship's note to accept it, and pay the money in three months time with interest; in the mean time, that there was 4000 *l. South-sea* stock transferred to this examinant by a steward of the Duke of *Rutland*; and Lord *Gower* told the examinant, that the said 4000 *l.* should be transferred to him as a farther security, and that the Duke of *Rutland* was concerned in the bargain; says, that the stock was accordingly transferred to him a few days afterwards; and Lord *Gower* told him, some part of the 20,000 *l.* stock was afterwards sold at about 300 *l. per cent.* (as he believes) and this examinant said, that Mr. *Knight* received the money, and kept the account of it, and believes that Lord *Gower* did not know that Mr. *Knight* transacted it; and says, that this examinant's agreement with Mr. *Knight* for the delivery of this stock, was absolute in all events; when Mr. *Knight* afterwards, upon making up the account of stock sold, told this examinant that this 20,000 *l.* was company's stock, and must be put down so; the exami-

nant

nant said, then he must give him his own name and the name of Lord *Gower*, to whom it was disposed of; believes, that other part of this stock was sold at 350 *l. per cent.* and the other part at 400 *l. per cent.* and that no part of the money was paid by Lord *Gower* till after the first parcel of the stock was sold, which was much sooner than the time of payment, and the account was made up by Mr. *Knight* about the end of the three months.

As to the two sums of 500 *l.* stock each, charged in the account to Lord *Lansdown*, this examinant had a note from his Lordship for acceptance and payment, and his Lordship agreed to give security, but the price of stock rising, this examinant did not insist upon it.

He believes, that both parcels of stock were sold in about a month's time, and that part of it was transferred to Lord or Lady *Lansdown*, and the account of it was made up, and the money to be paid allowed with interest: That this examinant believes Lord *Lansdown* had no knowledge of this being the company's stock; that he gave Lord *Lansdown* two notes for delivery of the stock, and depended upon Mr. *Knight* for it; and believes Mr. *Knight* intended to charge the said Lord *Lansdown's* stock to the company's account, if he could get it allowed, otherwise he was to answer it himself. And this examinant took a note from Mr. *Knight* to himself for delivery of the said 20,000 *l.* stock, and also of the said two 500 *l.* stock; and that Lord *Lansdown's* name was inserted in the account in the same manner as Lord *Gower's*.

Mr. *Chester* being examined, says that the stock he disposed of to members of Parliament, they actually bought of him, and he believes knew not that such stock was the company's. After such members had bought the stock of him, this examinant went to Mr. *Knight*, and bought so much stock of him, and ordered him to deliver it to those gentlemen, to whom

he had so sold it; and after he had agreed with Mr. *Knight*, the examinant referred them to Mr. *Knight*, with whom he believes they transacted it.

That the dates entered in the accounts of stock are not true, as he believes.

That the persons to whom he sold the stock, were

	<i>l.</i>	<i>l. per cent.</i>
<i>Henry Dracks, Esq;</i>	1000	at 260
<i>Sir Copp. Bampfied</i>	1000	at 275
<i>John Bampfied, Esq;</i>	1000	at 275
<i>Sir John Bland</i>	1000	at 275
<i>Sir Thomas Seabright</i>	1000	at 275
<i>Charles Longueville, Esq;</i>	1000	at 325
<i>Sir William Carew, Knt.</i>	1000	at 300

which two last, (by reason of the price) he believes, were after the bill passed.

That as to Mr. *Dracks*, the examinant says, there had been several years dealings between him and Mr. *Dracks*, the examinant seldom receiving less than 4000 *l. per ann.* on Mr. *Dracks's* account, and there was a running account between them at the time of this transaction; that Mr. *Dracks* some time after the buying the stock for him, did pay the examinant 2600 *l.* for it, and the examinant forthwith paid that sum to Mr. *Knight*, or Mr. *Surman*, for the same.

As to Sir *Copp. Bampfied*, Mr. *Bampfied*, Sir *John Bland*, and Sir *Thomas Seabright*, the examinant says, he had letters from them for the acceptance of such stock; and particularly from Sir *Copp.* and Mr. *Bampfied*, and some time after stock being fallen 30 or 40 *per cent.* Mr. *Bampfied* came to the examinant, and told him that Sir *Copp.* and himself were ready to take the stock whenever he pleased; and about the same time Sir *William Carew* made him the said offer.

Sir *John Bland's* stock was afterwards (as he believes) sold for himself by Mr. *Knight*.

That

That Mr. *Longueville* came to the examinant, and offered the money for his stock ; and the examinant acquainted him, that he had transacted it with Mr. *Knight*, and sent Mr. *Longueville* to him, and he paid the money to Mr. *Knight*. (as the examinant verily believes.)

The examinant says, he does not know that the stock so disposed of by him, was part of the fictitious stock said to be sold by the company ; but as to his belief he cannot answer ; that at the time he bought this stock of Mr. *Knight*, he really believed it was Mr. *Knight*'s own private stock, and did not know, nor had heard that Mr. *Knight* sold or transacted any of the company's stock at that time or before.

That when he wanted to buy stock, he sometimes bought it of Mr. *Knight*.

That when he thus disposed of the aforesaid stock, he had had a considerable quantity of his own stock, but he did not sell the said gentlemen his own stock, but bought it of Mr. *Knight* for them as aforesaid : That he did not know that this was the company's stock, till about the time he saw the account of stock sold, prepared by Mr. *Knight* to be laid before the house ; and then Mr. *Knight* told him, that the stock which he had sold him was part of the stock sold by the company.

Sir *Robert Chaplin* being examined as to the 10000*l.* *South-sea* stock sold to him and *Edward Rolt*, Esq; by Mr. *Knight*, in *February*, 1719, at 174½*l.* per cent. says, the agreement with Mr. *Knight* for this stock was verbal, and neither the examinant nor Mr. *Rolt* gave any note to pay for it ; that neither he nor Mr. *Rolt* knew it was the company's stock, but thought it was bought with Mr. *Knight*'s Money ; that Mr. *Knight* and he going in a coach together to *Westminster*, the examinant complained he had not money, upon which Mr. *Knight* offered to buy 5000*l.* stock for him ; that at *Westminster* Mr. *Rolt* made the same complaint of want of money, and the examinant

nant told him what had passed between him and Mr. *Knight*; and then Mr. *Rolt* and the examinant agreed to have 10000*l.* stock in partnership, Mr. *Knight* agreeing to get it for them, that Mr. *Rolt* and he afterwards agreed to sell this stock at 197*l. per cent.* and Mr. *Knight* paid them the difference of the advanced price.

Sir *John Fellows* being examined as to the fictitious stock sold, says, that he heard that Mr. *Rolt* of *Hertfordshire* had some stock held for him by the company; and says, that he did not pay the money for it, (as this examinant believes) that he has also heard Mr. *Wynn*, a Member of Parliament, had some stock held for him in the same manner, without paying for it (as he believes:) That he believes he has lately heard, that Lord *Lansdown* and Lord *Gower* had some of this stock held for them in the same manner: And that these things were generally transacted by Mr. *Knight*, and that he should rather believe that no money was paid by them for it.

Mr. *James Colebrook* being examined, says, that in *December*, 1719, he became acquainted with Sir *William Gordon* (one of the commissioners of the army accounts) the examinant having then a memorial depending before the said commissioners: That he was told by Mr. *Dent*, a clerk there, that Sir *William* seeing that memorial, asked him if it was the examinant's? Which Mr. *Dent* said it was; that the warrant upon it was signed, and Sir *William* came to the examinant the next day, and told him he had signed his warrant, and desired some of the subscription, which the examinant then took in; and he desired to have 5000*l.* of it; the examinant told him, he would speak to some of the managers, which he did; and thereupon Sir *William Gordon* had 2000*l.* of that subscription; and the examinant gave him 3000*l.* of his own; that this was the beginning of his acquaintance with Sir *William Gordon*; that on or about the 17th of *February*, 1719, Sir *William Gordon*,

Gordon, (whom your Com. observe charged in the said account of stock sold, to have bought 7,000*l.* part thereof) gave the examinant orders to give out 12 *Guineas per Cent.* for the refusal of *South-sea* stock, for three months, at the rate of 200*l. per Cent.* And the examinant the next day (as he remembers) informed Sir *William* by letter, that he had accordingly done it for 5000*l.* stock; that his partner, Mr. *Ruck*, signed the contracts for 3600*l.* part of it; and the examinant indorsed a contract made by Mr. *Boys* of *Kent*, for the remaining 4000*l.* About the middle of *May*, Sir *William* demanded a performance of this bargain, which was accordingly compleated, and he believes Sir *William* gained considerably thereby.

That in *February*, or the beginning of *March*, 1719, on or about the day when the house of Commons was in a Committee about the *South-sea* bill, Sir *William Gordon* came to the examinant, and desired him to lend him some thousand pounds on *South-sea* stock, he believes, a sum to purchase no less than 4000*l.* *South-sea* stock, which the examinant told him did not suit his conveniency to do, and the examinant refused it; he was very pressing: Upon this he desired the examinant to go with him to Mr. *Knight*, but the examinant cannot remember whether Sir *William Gordon* or he first mentioned Mr. *Knight's* name: This examinant accordingly did go along with him, and they found Mr. *Knight* and Mr. *Hawes* together in the treasury-room, at the *South-sea* house. Mr. *Hawes* came to the examinant, and asked him, who that was with him? He told him it was Sir *William Gordon*, Mr. *Hawes* asked what he wanted? The examinant said he wanted money, which it did not suit his conveniency to supply him, or words to that effect. Upon this Mr. *Hawes* went to Mr. *Knight*, and Mr. *Knight* came to Sir *William*, and the examinant told Mr. *Knight* what Sir *William Gordon* wanted, then Mr. *Knight* and

and Sir *William* went to the other end of the room, and the examinant believes that Mr. *Knight* then let Sir *William* have some of the *South-sea* company's stock at the market price, without paying any money for it, but does not know what sum; his reason for his belief in this matter is, because in conversation with Sir *William Gordon* in *May* following, he told the examinant, that he had made up with Mr. *Knight* the stock which Mr. *Knight* had accommodated him with, which the examinant now believes was the company's stock, which Mr. *Knight* had let Sir *William* have in *February* or *March*, 1719, as aforesaid; that he thinks Sir *William* mentioned his thus making it up by way of regret, that he should have made it up so soon, the stock soon afterwards rising higher than it was at that time.

The said *William Dent* being examined, says he did apply several times to have Mr. *Colebrook's* debentures signed; that he spoke to all the commissioners, particularly to Sir *William Gordon*; that at the same time Sir *William* asked the examinant, whether Mr. *Colebrook* was the same person that was concerned in the undertaking, called *Ram's* and *Colebrook's* insurance? The examinant told him he was: Upon which Sir *William* said he must have some of it; and Sir *William* desired the examinant to meet him in the city, for he wanted to speak to Mr. *Colebrook*; that the examinant acquainted Mr. *Colebrook* thereof, and Sir *William* and the examinant met him accordingly; but the examinant cannot say whether they met at Mr. *Colebrook's* house or at a tavern; nor does he remember the conversation, or whether the debenture was signed before or after that time; that some time between *Christmas* and the expiration of the commission, on the 10th of *March*, 1719, Mr. *Colebrook* told the examinant (to the best of his remembrance) that he had let Sir *William Gordon* have 5000*l.* of the receipts of the said insurance, 2000*l.* whereof

whereof was Mr. Colebrook's, and 3000*l*. he bought in order to accommodate Sir William.

Mr. Francis Hawes being thereupon examined, says, that he remembers Sir William Gordon came with Mr. Colebrook to the South-sea house, to the examinant; and that Mr. Colebrook spoke to the examinant, to recommend Sir William Gordon to Mr. Knight, and the examinant believes, upon that application, he did recommend Sir William to Mr. Knight; but the examinant cannot remember upon what account.

And your Com. farther acquaint the house, that in the book mentioned in their former report to have been delivered into your Com. by the present directors of the South-sea company, intituled, *An account of the names of such persons to whom loans have been made on South-sea stock, who at that time when such loans were made, do not appear by any books to have transferred the stock to the South-sea company, for the security thereof*) your Com. do find the names of several of the persons mentioned in this their report, contained in the said account, of whose names as also the particular sums borrowed, and the stock supposed to be transferred by them, your Com. transcribe out of the said books, as followeth, viz.

Dates 1720	Borrowers names.	Sums said to be transferred.	Money lent thereupon.		
		<i>l</i> .	<i>l.</i>	<i>s.</i>	<i>d.</i>
June 22	Sir Montague Blundel	800	3200	00	0
Aug. 29	Joseph Banks	1100	4000	00	0
June 10	John Burridge	2750	10955	00	0
— 20	Hon. Wm. Chetwynd	10500	30000	00	0
— 22	Henry Dracks	1100	4000	00	0
— 10	Captain Forrester	1100	4000	00	0
May 30	Pat. Haldane	3800	11500	00	0
June 20	Sir Wilfred Lawson	1100	4100	00	0
Aug. 26	The Lord Rothes	1000	4000	00	0
May 11	Edward Rolt	1500	4275	00	0
Aug. 29	Thomas Wynn	3300	11745	16	8
— 23	William Young	2750	13300	00	0
			Your		

Your Com. before the order of the house for receiving this report, had several examinations relating to the several members of this house, not mentioned in the account of stock sold; and since that order, your Com. have taken several other examinations relating to some of the said members, and are taking farther examinations; wherefore your Com. think it proper to confine this report to the members mentioned in the account of stock sold, and will lay such other matters as have or shall occur to them with all convenient speed before the house.

APPENDIX (B).

			Stock.	per Cent.	Money
			l.	l.	l.
<i>Feb.</i>	5	<i>William Burnet</i>	5000	150	7500
<i>Mar.</i>	2	<i>Tho. Carbonnel</i>	5000	177 $\frac{1}{2}$	8875
—	11	<i>Gen. Harmerstein</i>	5000	182	9100
		<i>Richard Baglis</i>	1000	183	1837 10
		<i>Alex. Strahan</i>	1000	196	1960
		<i>Ditto</i>	4000	200	8000
		<i>Carbonnel</i>	1000	272	2720
		<i>Samuel Thompson</i>	4000	285	11400
		<i>William Burnet</i>	5000	285	14250
	29	<i>Isaac Lostau</i>	1000	308	3080
			stock	32000	68722 10

APPENDIX (C).

			Stock	per Cent.	Money
			l.	l.	l.
<i>Feb.</i>	5	<i>Lieut. Gen. Pepper</i>	4000	180	7200
		<i>Thomas Wynn, Esq;</i>	2000	180	3600
		<i>Sir Robert Chaplin</i>	5000	174 $\frac{1}{2}$	8725
		<i>Lord Gower per Ed. Gibbon</i>	2000	180	3600
		<i>Lord Chetwynd</i>	3000	179	5370
	17	<i>Ditto</i>	2000	182	3640

Mar.

		Stock l.	per Cent. l.	Money l.
Mar. 1	John Roberts	1000	178	1780
	Lord Lansdowne per Gibbon	5000	180	9000
	Ditto	5000	176 $\frac{1}{2}$	8825
	Edward Rolt, Esq;	5000	174 $\frac{1}{4}$	8712 10
11	Samuel Tuffnel, Esq;	5000	182	9100
17	John Burridge	2000	200	4000
21	Col. James Scot	1000	250	2500
22	William Chetwynd, Esq;	3000	275	8250
	Sir Copp. Bamfield per } Robert Chester	1000	275	2750
	John Bamfield per Ditto	1000	275	2750
	Sir John Bland per Ditto	1000	275	2750
	Sir Thom. Seabright per Ditto	1000	260	2600
	William Chetwynd, Esq;	4000	280	11200
	Col. Graham	2000	280	5600
23	Sir William Gordon	4000	276	11040
	Thomas Wynn, Esq;	2000	275	5500
Mar. 23	William Forrester	1000	272	2720
28	Col. Monroe	6000	275	16500
	Pat. Haldane, Esq;	2000	285	5700
	Edward Rolt, Esq;	8000	285	22800
Mar. 25	Sir William Gordon	3000	300	9000
	Earl Rothes	2000	300	6000
	Earl of Essex	2000	305	6100
	Lord Haddington	2000	308	6160
	Marq. Winchester.	2000	310	6200
	Jos. Banks	1000	310	3100
	William Chetwynd, Esq;	3000	310	9300
	Col. Montgomery	2000	315	6300
	Thomas Poultney, Esq;	2000	315	6300
	Sir Mount. Blundell	2000	318	6360
	Sir Wilfred Lawson	1000	320	3200
	Ch. Longueville per Rob. } Chester	1000	325	3250
	William Young, Esq;	3000	330	9900
	Sir William Carew per } Robert Chester	1000	300	3000

The

The seventh REPORT

Was on *Friday* the 16th of *June* last, delivered to the Commons, as follows, *viz.*

THE Committee of Secrecy, &c. pursuant to the instruction given them by the house on the 15th of *April* last, that they should inquire what public money hath been employed by any treasurer, cashier, collector, receiver, or other officer concerned in the receipt or payment of public money, or of any other part of his Majesty's revenue, or by any in trust for them, or by their order, in buying stock or subscriptions in the *South-sea*, or any other company, or annuities, or other parliamentary securities, or otherwise making use of or employing the same to their private advantage, since the 1st day of *December*, 1719, have accordingly proceeded to inquire into that matter, and have examined in the most solemn manner the following persons; and do lay before the house the examinations by them taken relating thereto, in the words of the examinations themselves.

Mr. *Francis Hawes* being examined, says, that in the months of *February*, *March*, or *April*, 1719-20, about 25,000*l.* part of the money received for the service of his Majesty's navy, was laid out in purchasing 11000*l.* *South-sea* stock, by the order and for the use of *Richard Hampden*, Esq; then treasurer of his Majesty's navy.

That 5000*l.* part of the said 11000*l.* stock, was sold for the benefit of the said *Richard Hampden* Esq; in a very short time after it was bought. That it was bought at about 164*l.* and sold at about 199*l.* *per Cent.* that the remaining 6000*l.* stands in the name of Mr. *Thomas Hawes*, in trust for the said *Hampden*.

That

That there were farther sums paid out of the money received for the service of his Majesty's navy, by the order, and for the use of Mr. *Hampden*, viz.

For the three several payments on 3000*l.* first subscription, about 3,600*l.*

For the first payment on 3000*l.* second subscription, 1200*l.* which last mentioned subscription was sold for the same money it cost, for the use of Mr. *Hampden*.

For the first payment on 1000*l.* third subscription, 1000*l.*

Mr. *Thomas Hawes*, being examined'd, says, that 5000*l.* *South-sea* stock was bought about the middle of *February*, at about 164*l.* per Cent. by the order and for the use of *Richard Hampden*, Esq; then treasurer of his Majesty's navy, and paid for by his order out of the cash then in the hands of the examinant, as cashier to the said treasurer of the navy; and the said 5000*l.* stock was sold about the beginning of *March* following, at about 199*l.* per Cent. for the use of Mr. *Hampden*.

That the farther sum of about 6000*l.* *South-sea* stock was bought and paid for in like manner, at about 925*l.* per Cent. which is now in the examinant's hands, in trust for the said Mr. *Hampden*.

That 3000*l.* in the first money subscription, 3000*l.* in the second money subscription, 1000*l.* in the third money subscription, and 5000*l.* in the fourth money subscription, were bought and paid for out of the public cash of the navy, by order and for the use of the said Mr. *Hampden* as aforesaid.

Your Com. directed Sir *Harcourt Master*, late receiver-general of the land-tax for *London* and *Middlesex*, to lay before them an account of what public money he had laid out in stock or subscription, or otherwise applied to his own private use; and thereupon he laid before your Com. a paper to the effect following, viz:

That he had, in obedience to the order of your Com. used his best endeavours to distinguish particularly, what sums of the public money, he had laid out in stock or subscriptions, or bubbles, or applied to any other purpose, for his own or any other persons private account; but he not having kept any accounts of the government's money distinct and separate from other monies that were his own, or others, that passed thro' his hands, he found it impracticable for him to give an account thereof, so particularly as was required.

That he truly believes he was so unhappy as to lay out the whole debt due from him to the crown, being 37,280*l.* 7*s.* 2*d.* $\frac{3}{4}$, (as it is set forth in the particular of his estate, delivered to one of the Barons of the court of *Exchequer*) in *South-sea* stock, and in the third and fourth *South-sea* subscriptions, on his own account, by which he is a very great loser.

Your Com. since their report made to the house, the 22d day of *May* last, concerning the loans made by the *South-sea* company, upon stock and subscriptions, have made a further progress in that part of their inquiry, and do now lay before the house such examinations as they have taken since that report, in relation to that matter, in the words of the examinations themselves.

Mr. *Samuel Watts* being examined, says, that from the 1st of *June*, 1720, he has served as clerk in the treasury office of the *South-sea* company, under Mr. *Christopher Clayton*, in making out the several books relating to loans upon stock and subscriptions, the account of which had been at first entered in three original journals, two of them containing the loans on stock, and the last containing the loans on subscriptions; all which journals, and all other books relating to the loans, were kept under Mr. *Clayton's* care; but Mr. *Surman* had the power of taking and inspecting them when he thought fit.

That

That from those three original journals, five leidgers were made, chiefly by the examinant, and partly by *Clayton*, or some other clerk; but the examinant had instructions for what he did from Mr. *Clayton*, and no other person; that these leidgers were marked, A, B, C, D and E.

That he has sometimes had the said original journals in his custody for a day or thereabouts; and the examinant observed there were many razures and alterations made in them. That the examinant himself did at several times, make many alterations in the said leidgers, both in the names and sums, according to several papers and instructions from time to time given him by *Clayton*, who afterwards took such papers from him; and the last time he made any such alterations, was about the middle of *November* last.

That he made a copy of the said original journals of loans on subscriptions, which copy now remains in a great chest marked No. 2. at the *South-sea* house, where the examinant has seen it since the new directors were chosen.

That after that copy was made, two leaves were torn out of the said original journal, but by whom the examinant cannot tell; and the examinant saw Mr. *Clayton* writing names out of those leaves, and he called to the examinant, and told him he believed he must tear out a leaf from the copy, in order to bring in fictitious names.

That in one of the said leaves torn out, there was an entry to fundries 26,000*l.* which the examinant, by Mr. *Clayton's* order, entered in the said copy in 26 fictitious names, at 1000*l.* each; and there being another entry of 1000*l.* without any name to it, the examinant likewise entered that sum in a fictitious name, by *Clayton's* direction.

That in the same leaf there was set down 11,000*l.* stock to Lord *Castlemain*, and 4000*l.* stock to Lord *Londonderry*, which *Clayton* directed the examinant

to alter and enter in fictitious names; but the examinant could not do it, the paper being wet.

That about the beginning of *November* last, the said five leidgers, marked A, B, C, D and E, were copyed alphabetically into four new leidgers, which are now kept in the office for public use; and if any disputes arise in searching into them, the clerks have recourse to the said first leidgers.

That Mr. *Clayton* did, a little before the meeting of the Parliament, bring into the treasury-office a book, which the examinant believes was Mr. *Knight's* private cash-book, the examinant having often seen it, in which, at the head of an account, he saw the name of *Charles Stanhope*; and this examinant says, that *Clayton* with a white handle pen-knife, erased the letters in the name *Stanhope*, in order to make it *Stangape*; but whether Mr. *Clayton* altered the letters with his own hand, or the examinant by his order, the examinant does not now remember, but says it was accordingly altered to *Stangape*. That this book had a green cover, was about a foot in length, and about two thirds as broad, and an inch and an half thick.

The said Mr. *Clayton* being hereupon examined by your Com. says, he believes there are alterations made in the original journals of the loans; that all the alterations which the examinant, or any other clerk by his order made in those journals, were made by the direction of Mr. *Knight*; that Mr. *Surman* once, by Mr. *Knight's* order, directed the examinant to alter four names.

That the examinant directed the altering several large sums into lesser sums; and that he was informed by Mr. *Knight*, that such alterations were made at the request of the persons to whom such large sums were charged.

That he does not know that such names were altered into fictitious names, but that there were 16 or 21 fictitious names added to the original journals;

journals; that Mr. *Knight* gave the examinant a list of such names, and told him any names would do.

That all the alterations made in the letters of any names, were made by Mr. *Knight's* order.

That he does not remember that he ever gave directions to any clerk to insert fictitious names, save the said 16 or 21 names.

That he knows not that the name of any member of Parliament was altered to any other name; but Mr. *Knight* told the examinant that a large sum being set down to Lord *Castlemain*, his Lordship said, that part of such sum was on the account of other persons, (a list of whose names his Lordship gave to Mr. *Knight*) and the sum at first set down to Lord *Castlemain*, was accordingly split into lesser sums, and set down to those persons.

That he saw the original journals in Mr. *Knight's* custody about three days before he went away, but has not seen them since.

That he has seen Mr. *Knight's* green book; but he never made any rasure or alteration in it, either in any name, or any letter, or part of a name in that book, nor ever directed any to be made.

That he does not remember he ever saw the name (*Stanhope*) in the said green book; and denies, that he ever rased any letter, or part of a letter, or made any alteration in the name (*Stanhope*) in the said green book. That he cannot be positive, whether the name (*Stanhope*) was ever rased or altered in any other book whatsoever. But he does not know or remember, that he did direct any such rasure or alteration made in the said name (*Stanhope*.)

That he remembers he did once alter a figure in an account in the said green book, when Mr. *Knight* and a Gentleman were settling an account

in that book; but who the Gentleman was, the examinant cannot tell.

That he does not know but the name of Sir *William Tompson* might have been altered to Mr. *William Tompson*, and thinks it was altered. That he has heard Mr. *Knight* say, that Sir *William Tompson* complained, that there was a mistake in his account of the loan, and the examinant remembers he saw Sir *William Tompson* with Mr. *Knight* in his closet.

That the first leidgers of the loans were begun to be made from the journal in several books, and in *October* 1720, those leidgers not being ruled in a proper manner, there were new leidgers provided, and the examinant believes Sir *William Tompson's* name was altered in both the said original and new leidgers.

That the original journals were made up partly by the receipts taken at the transfer book, and partly by direction of Mr. *Knight*, and adjustments made with him.

That the numbers of the subscriptions receipts, on which money was lent, were entered in the journals; but the examinant believes there were some errors therein.

Mr. *Clayton* being farther examined as to the particular alterations made in the journal of the loans, says, the name (*Brazier*) was altered, and he believes, that person borrowed the money for Lord *Rosse*. And that there was a letter sent by his Lordship, to desire an alteration might be made in that name, and it was accordingly made by Mr. *Knight's* order.

That the name (*George Baker*) was altered to (*Baber*) about the 30th of *August*, or the beginning of *September* 1720, by Mr. *Knight's* order.

That he believes the sum charged to Colonel *Arnot* was altered and made less, and part of the
sum

sum at first set down to him, charged in other names.

That the sum charged to *John Burridge*, Esq; was likewise altered, and made less, *Mr. Burridge* telling *Mr. Knight* that the money lent, was part of it on the account of *Mr. Bowdige* of *Lime*.

That the sum charged to *John Barber* was lessened, and part of it set down to other persons.

That *Lord Carpenter's*, *Colonel Murray's*, and *Pearse* and company's sums were altered, there being errors in their accounts.

That the sum charged to *Sir Cæsar Child*, was lessened.

That he does not remember that there were any leaves torn or taken out of the original journals of the loans; and says, he did not take or tear out any. But upon farther recollection, he says, there were one or two leaves taken out; but such leaves did not (as the examinant believes) contain names of any persons, but only a computation of the totals of the loans.

That he does not remember that he ever mentioned to *Mr. Watts*, that a leaf or leaves must be taken out of the journal, or the copy of the journal, in order to insert fictitious names, or for any other purpose.

That after the loan was closed, *Mr. Francis Eyles* (one of the late directors) applied to the Committee of loans, and had a direction for adding 18,000*l.* as a loan to him, that sum having been forgot, and that sum was accordingly added to the loan, viz. 14,000*l.* in the name of the said *Mr. Eyles*, and 4000*l.* in the name of *Lucy Bainton*.

That he verily believes the sums charged to *Lord Lonsdale*, and *Lord Litchfield*, were lent their Lordships, before the loan was closed, and that they transferred stock for securing the money so lent.

The said Mr. *Christopher Clayton* being farther examined, says, that Mr. *Samuel Watts* was employed as a clerk in making out the accounts of the loans, and was under the direction of this examinant, till the Committee of loans was appointed.

That he has nothing to object against Mr. *Watts's* credit.

And being confronted with Mr. *Watts*, who affirming what he has said in his former examination, as to the rasure and alteration of the name (*Stanhope*) into (*Stangape*) in Mr. *Knight's* green book, and Mr. *Watts* relating to Mr. *Clayton* several circumstances at the time of such alteration, and Mr. *Clayton* having heard Mr. *Watts's* examination read, he denies that (to the best of his knowledge) he ever did erase any letter or part of a letter in the name (*Stanhope*) in the said green book, or make or direct to be made any alteration in the name (*Stanhope*) in that book.

That (to the best of his remembrance) he never did alter the name (*Stanhope*) into (*Stangape*) in any other book, or direct any such alteration to be made.

Your Com. having shewn the foregoing examination to the said *Samuel Watts*, and examining him farther in relation to this matter, in the presence of the said *Christopher Clayton*, Mr. *Watts* persists in, and affirms, what he has said in his former examination, as to the alteration of the name (*Stabope*) into (*Stangape*); and farther says, that when he first saw in the minutes of the house of Commons, that the name (*Stanhope*) had been altered into (*Stangape*) he verily believed it had been the alteration made in Mr. *Knight's* green book, as aforesaid, and not in the books of *Turner* and company, as he has since heard.

Mr. *John Hansard* being examined, says, he became concerned in the *South-sea* house about the

21st of *July* 1720, and was at first only employed to number the 3d subscription receipts.

That about the middle of *December* last, he was one of the eight clerks, who were employed in copying four leidgers of the loans, into other new leidgers; and that he observed many rasures and alterations in the leidgers from which they transcribed them, but he cannot remember the particular alterations.

That there were several loose sheets, which he believes were copies of the original journal of the loans, to which he and the other clerks employed to copy the said leidgers, had recourse upon any mistakes; and in those loose sheets, the examinant observed many rasures and alterations.

That after the present session of Parliament began, Mr. *Knight* gave the examinant directions to draw out a list of the exceedings upon the loans, which he did from the leidgers.

That Mr. *Christopher Clayton* was in great intimacy with Mr. *Knight*, and was appointed clerk of the loans, and had the principal direction in making out the books of loans.

That he knows Mr. *Samuel Watts*, (who was a clerk concerned in the loans under Mr. *Clayton*) and takes him to be a person of great integrity.

Mr. *Robert Surman* being examined, says, that since the inquiry began, the examinant has seen the original journals of the loans at the *South-sea* house; that Mr. *Clayton* was the clerk appointed to take care of the loans, and these journals were properly under his care.

That he believes there were several alterations made in these original journals, but he believes all such alterations were made by Mr. *Knight's* direction given to Mr. *Clayton*, as the first clerk, who directed the other clerks to make the alterations, or else made them himself.

That

That these journals were wrote by several clerks: That all loans, as well as adjustments, were (as the examinant believes) entered in these journals.

That the examinant has not seen these journals since Mr. *Knight* went away.

That the original journals were not made alphabetically, but from day to day, as the money was lent out.

That the examinant remembers in two or three cases, he had orders from Mr. *Knight* to direct Mr. *Clayton* to make alterations in the journals, which the examinant takes to be where there was a large sum charged to particular persons, exceeding the regulations of the loans.

That Mr. *Knight* had the custody of the subscription receipts on which money was lent for the months of *June*, *July*, and *August*, 1720, and until the Committee of loans was appointed; and the examinant believes the numbers of those receipts, were entered in the journals of loans.

That some of the first and second subscribers not making their first payment, Mr. *Knight* laid down the money for them, and took their receipts for his security, which (as the examinant has heard Mr. *Knight* say) brought his cash under difficulties; but nevertheless such subscribers had a right to borrow, and often did borrow of the company 300 *l. per cent.* on such subscriptions.

That the examinant has had Mr. *Knight's* orders, to direct Mr. *Clayton* to enter fictitious names in the journals of the loans on stock, the first commencing at the beginning of the loan and continued to *May* 1720, the second carried on to *Midsummer*, and the third to the end of the loan, there being but one original journal for the whole loan upon subscriptions.

That the said original journals were copied alphabetically, some time after the conclusion of each journal.

That

That he remembers he has seen Mr. *Knight* and Mr. *Clayton* together, making alterations in the said original journals of the loans, and has heard Mr. *Knight* direct *Clayton* to make alterations therein and enter fictitious names.

Mr. *George Wooly*, Mr. *James Ottey*, and Mr. *Stephen Crisp*, being examined, say, they were employed under Mr. *Christopher Clayton*, in making out the leigders of the loans, which they accordingly did from foul journals, which they do not believe were the original journals, nor did they ever see the originals, to their knowledge: That Mr. *Clayton* was the person who had the principal direction in making out the account of the loans.

That the examinants did, by Mr. *Clayton's* direction, make several alterations in the said foul journals.

That the paper annexed to their examination, (the three columns of which are intitled, alterations made in names on the loan, alterations made in sums on the loan, names and sums added to the loan, which were not in the copy of the original journal) contains a full and true account of all such alterations made in the said four journals, as they can now remember, a copy of which paper your Com. have annexed in an appendix to this their report.

Mr. *Charles Clark* being examined by your Com. (at the request of *George Baker*, Esq;) says, that *George Baker*, Esq; member of Parliament, set out from *London* to the county of *Durham*, on the 23d of *February* 1719, where (the examinant verily believes) he continued till *November* 1720; which the examinant can the better depose, because on the said 23d of *February* 1719, *Thomas Conyers*, Esq; and this examinant were witnesses to the execution of an agreement by the said Mr. *Baker*; and this examinant very well remembers that he dined that day with Mr. *Baker*, and afterwards

wards saw him take post ; and the examinant corresponded weekly with the said Mr. *Baker*, from that time till *August* 1720, when this examinant likewise went into the county of *Durham*, and there was frequently in company with the said Mr. *Baker*, till the latter end of *October* 1720.

And now your Com. find themselves under a necessity of closing their inquiry into the matters referred to them, by reason of the absence of Mr. *Knight*, who appears to have been principally, and in many instances solely, intrusted in the execution of this black and destructive *South-Sea* scheme.

Alterations made in the names on the loan.

George Brace,
Thomas Butler, Esq; from *Thomas Boteler, Esq;*
George Baker, to *George Baber,*
William Philips, to *William Phipps,*
Sir William Thompson, to *Mr. William Thompson.*

In the subscription journal.

John Adderly, to *John Arkerly,*
William Henry, to *William Henryson.*

Alterations made in sums on the loan.

<i>Col. John Arnot,</i>	<i>Benjamin Collyer,</i>
<i>Richard Arlington, jun.</i>	<i>Lord Castlemain,</i>
<i>Robert Brooke,</i>	<i>Richard Flemming,</i>
<i>John Burridge, M. P.</i>	<i>James Gibbs,</i>
<i>Henry Burford,</i>	<i>Col. Murray,</i>
<i>John Barber,</i>	<i>Thomas March,</i>
<i>Lord Carpenter,</i>	<i>John Seaward,</i>
<i>Alexander Chocke,</i>	<i>Pearce and company.</i>
<i>Sir Cæsar Child.</i>	

Names

Names and sums added to the loan, that were not
in the copy of the original journal

	stock. l.	money. l.
<i>Thomas Arnot, Esq;</i>	2000	8000
<i>John Bowdidge,</i>	1000	4000
<i>Lucy Bainton,</i>	1000	4000
<i>George Churchey,</i>	1000	4000
<i>Gilbert Barnet,</i>	3000	13000
<i>Mary Cookson,</i>	1100	5400
<i>Thomas Carrington,</i>	1000	4000
<i>John Coltman,</i>	1000	4000
<i>Capt. Davidson,</i>	1100	9900
<i>Francis Eyles, Esq;</i>	3500	14000
<i>Charles Edgerton,</i>	1000	3000
<i>Thomas Foytowne,</i>	1000	4000
<i>Thomas Gamm,</i>	1000	4000
<i>William Gore, Esq;</i>	1000	4000
<i>Countess Dowager of Gainsborough,</i>	3000	12000
<i>Dr. John Herbert,</i>	2000	8000
<i>H. Robert Herbert,</i>	500	1250
<i>Elizabeth Hawey,</i>	1000	4000
<i>Edward Hardy,</i>	1000	4000
<i>Laurence Holdford,</i>	2200	8400
<i>Thomas Jefferton,</i>	1000	4000
<i>James King, Esq;</i>	1000	4000
<i>Henry Knowles, Esq;</i>	1000	4000
<i>James Lany,</i>	1000	4000
<i>Lord Litchfield,</i>	2000	5000
<i>Isaac Loaffs,</i>	1000	4000
<i>Lord Lonsdale,</i>	1000	4000
<i>Lord Lempster,</i>	1000	4000
<i>Edmond Norton,</i>	1000	4000
<i>James Port,</i>	1000	4000
<i>James Quin,</i>	1000	4000
<i>Thomas Quash,</i>	1000	4000
<i>Daniel Randall,</i>	1000	4000
<i>Francis Symonds,</i>	1000	4000
<i>Thomas Tower,</i>	1000	4000
<i>James Tenant,</i>	1000	4000

John

<i>John Valiant,</i>	_____	1000	4000
<i>Edward Wainwright,</i>	_____	1000	4000
<i>Thomas Yale,</i>	_____	1000	4000
<i>Thomas Yarborough,</i>	_____	1000	4000
		<u>50,400</u>	<u>203950</u>

Subscription.

<i>Thomas Carrington,</i>	_____	2000	6000
<i>John Coleman,</i>	_____	2000	6000
			<u>215950</u>

The End of the EIGHTH VOLUME.

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A Collection Of The Parliamentary Debates In England From The Year M,DC,
LXVIII. To the present Time

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